Paying for Higher Education *James Tobin & Leonard Ross*

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THE NEW REPUBLIC

A Journal of Politics and the Arts — May 3, 1969, 40 cents

Agent Meany

Richard Dudman

Nixon's Tax Plan —*Edwin L. Dale, Jr.*
Hong Kong Report —*Alex Campbell*
Susan Sontag —*Richard Gilman*
Evading Gun Control —*Stephen Cupps*
Lola Montes —*Stanley Kauffmann*

THE EDITORS: Playing with Revolution, Finch's Guidelines, Conscientious Objection, FTC Investigation

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This month, we'll also bring you war, inflation, crime and poverty.

Television will always show its share of boy-meets-girl-and-they-live-happily-ever-after. That's part of the American dream.

But the war in Vietnam, the rebellion on our campuses and the poverty in our ghettoes are part of the American reality.

As members of a free press, it's our responsibility to tell you about them. To present different views of them. To explore possible solutions.

So you have a clearer perspective to form your own opinions.

Perhaps if we showed more love and less war and said little about either, we'd make life seem sweeter. But we wouldn't be doing our job.

The very first amendment to the Constitution not only gives us the right to speak out on these matters. It protects *your* right to hear about them.

As you can see from the partial listing of this month's TV offerings, we have plenty to take your mind off the problems of the world.

But you can be sure you'll also be seeing plenty of programs to help you understand these problems.

At least until we can kiss them goodbye.

Jack Paar in Africa. Off-the-beaten-track view of Africa. Thursday, May 1 (10-11 pm).

Victoria Regina. Hallmark Hall of Fame—With Julie Harris in title role, James Donald as Prince Albert. Friday, May 2 (8:30-10 pm).

Discovery. Pirates and Sunken Treasure; The Threatened Species; The Grand Canyon; Puerto Rico. Sundays, May 4, 11, 18, 25 (11:30-12 Noon).

The 21st Century. Weird World of Robots; Can We Control Weather?; The Food Revolution; An Incredible Voyage. Sundays, May 4, 11, 18, 25 (6-6:30 pm).

The Best on Record: Grammy Awards Show. Annual awards of recording industry, with The Beatles, Simon and Garfunkel, Glen Campbell, others. Monday, May 5 (8-9 pm).

Who, What, When, Where, Why. CBS News Special—The First 100 Days of Richard Nixon. Tuesday, May 6 (10-10:30 pm).

Shadow Game. CBS Playhouse—Original drama about people trapped in an office during a blackout. Wednesday, May 7 (9:30-11 pm).

Kitty Hawk to Paris: The Heroic Years. Saga of pioneers who created the early era of flight. Thursday, May 8 (9-10 pm).

Riddle of the Mayan Caves. ABC News Special—Exploration of ancient caves in the Guatamalan highlands. Friday, May 9 (7:30-8:30 pm).

Rod McKuen: The Loner. The versatile poet and writer of 900 songs performs in a one-man show. Saturday, May 10 (8:30-9:00 pm).

Mirror of America. Project 20—Washington, D. C. reflects stirring moments in American history. Sunday, May 11 (10-11 pm).

Comrade Soldier. Study of training, equipment, indoctrination of Soviet army filmed during two months in the USSR and released without censorship. Friday, May 16 (7:30-8:30 pm).

Pogo's Special Holiday Special. The Walt Kelly cartoon characters campaign for more holidays. Sunday, May 18 (8:30-9:00 pm).

Generations Apart. CBS News Special—First and second of a three-part series. A Question of Values; The Youth International. Tuesdays, May 20, 27 (10-11 pm).

New York Philharmonic Young Peoples Concert with Leonard Bernstein. Berlioz Takes a Trip. Sunday, May 25 (4:30-5:30 pm).

Little Women. NBC Children's Theatre—Original ballet choreographed by Christine Neubert. Geraldine Page, narrator. Sunday, May 25 (6:30-7:30 pm).

Regularly Scheduled Programs
Monday through Friday: The Today Show/Captain Kangaroo/Sunrise Semester

Tuesdays: First Tuesday (appearing first Tuesday of each month)/CBS News Hour

Saturdays: The Banana Splits Adventure Hour/Storybook Squares/Untamed World/ABC's Wide World of Sports

Sundays: Lamp Unto My Feet/Look Up And Live/Bullwinkle/Camera Three/Discovery/Directions/Face the Nation/Meet the Press/Issues and Answers/Guideline/Frank McGee Sunday Report/G-E College Bowl/The 21st Century/Wild Kingdom/Walt Disney's Wonderful World of Color.

Note: This is, necessarily, a partial listing. Time (NYT), titles and casts of these national programs are subject to change. Please consult your station listings: check also for noteworthy local programs.

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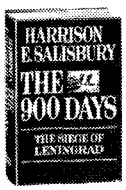
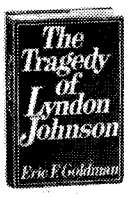


484. THE 900 DAYS The Siege of Leningrad *by* HARRISON E. SALISBURY. Photos (Retail price $10)



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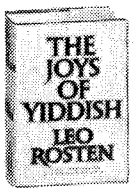
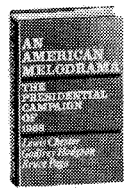


233. THE JOYS OF YIDDISH *by* LEO ROSTEN (Retail price $10)

271. GRANT TAKES COMMAND *by* BRUCE CATTON. Maps (Retail price $10)

447. THIRTEEN DAYS A Memoir of the Cuban Missile Crisis *by* ROBERT F. KENNEDY (Ret. price $5.50)

111. ERNEST HEMINGWAY: A Life Story *by* CARLOS BAKER. Photos (Retail price $10)



128. AN AMERICAN MELODRAMA: The Presidential Campaign of 1968 *by* CHESTER, HODGSON *and* PAGE (Retail price $10)

207. BULLET PARK *by* JOHN CHEEVER (Ret. price $5.95)

104. MISS CRAIG'S 21-DAY SHAPE-UP PROGRAM For Men & Women Illustrated (Ret. price $6.95)

125. CAIN X 3 Three novels *by* JAMES M. CAIN *Introduction by* TOM WOLFE (Ret. price $6.95)

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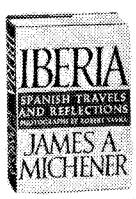

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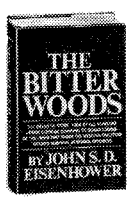

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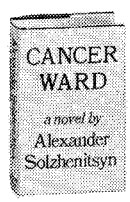

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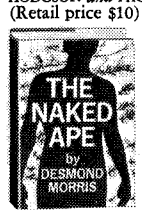

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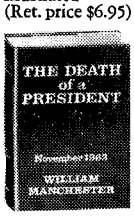

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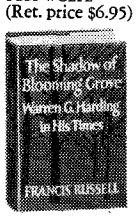

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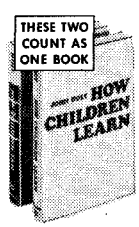

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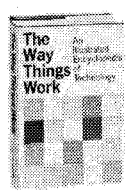

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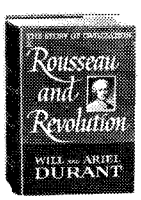

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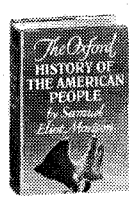

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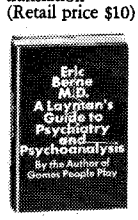

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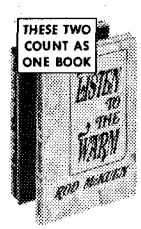

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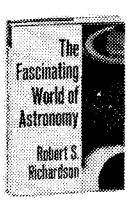

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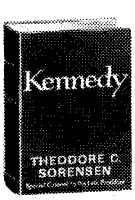

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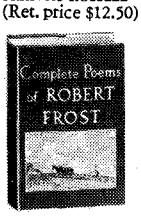

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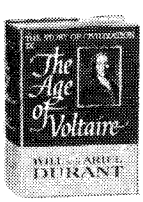

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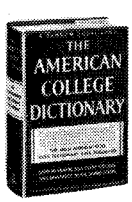

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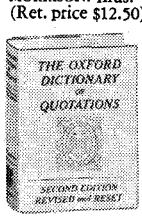

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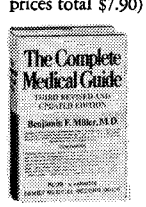

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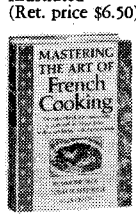

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TRB

from Washington

The Big Fault

They've been having a great time in California celebrating the next earthquake. Geologists and astrologers say it is overdue; a fiction writer slides the state into the sea. Of course the place perches on the San Andreas fault that may tip anytime. But it's a fun thing, and a jazz combo has put it to rhythm.

Some think there's a San Andreas fault in American society, too. Don't look now, but what are those Negro students who are marching out from Cornell University's besieged building, carrying on their arms? Why, guns to be sure and bandoliers of cartridges. How odd?

And don't read the tiresome statistics of wealth in America; millionaires who pay no income tax, the upper 5 percent that gets 20 percent of the national income, the lower 20 percent that gets only 5. Forget the Kerner report a year ago – "America is moving toward two societies, one black, one white – separate and unequal." Nothing very much has been done about that since but who cares? The combo rhythm distracts the attention.

And now here we go again under Mr. Nixon; the great thing is to reduce the size of the budget, to cut taxes. What we should be doing is to expand the budget, and raise taxes! Cutting the budget for a nation that adds two or three million people a year is like cutting a child's toes because they won't fit last year's shoes. The new administration, which shows no great sense of moral urgency about anything save inflation and the ABM, boasts that it will cut back LBJ's already tight budget by $4 billion; and Chairman Wilbur Mills of the Ways and Means Committee, who has an obsession on the matter, hopes to slice off $5 billion on top of *that*. Chop, chop; off come the toes.

It is fair to say that even with the Nixon cut the budget will be bigger than last year's. Also, it should be said that waste should never, of course, be allowed in the budget, anywhere. As to waste, maybe some could be squeezed from the Pentagon, which now takes about half the budget. However, Mr. Nixon is lopping off only $1 billion from defense; $3 billion from civilian areas. He will save $100 million, for example, by cutting the Job Corps.

This policy of private opulence and public squalor causes a cringe now and then, even from the wealthy. As Kenneth Galbraith put it in *The Affluent Society* – "They picnic on exquisitely packaged food from a portable icebox by a polluted stream . . . (and doze) off on an air mattress, beneath a nylon tent, amid the stench of decaying refuse," and reflect on the "curious unevenness of their blessings."

Production; that's the American god! – particularly production of private consumer goods. On one hand automobiles increase; on the other – according to the government's first formal nutritional survey– alarming rates of malnutrition are found among the first 12,000 examined in 4 states.

Let Kids Die

I found particularly depressing some figures that Melvin A. Glasser, director of the UAW social security department, sent me. Infant mortality, as everybody knows, is high in affluent US; a dozen poorer countries did better than we in keeping their babies alive. But that was not the most shocking feature of Glasser's figures. The Department of Health of the City of Detroit reported that, for 1967, the infant mortality rate per 1,000 live births in the most affluent section of the city was only 12.1 (for the US as a whole – 23.4). But in the poorest neighborhood of Detroit, the rate was a horrifying 69.1 per 1000. Let the kids die. Let them first go hungry and then let them die. This San Andreas fault runs deep.

It isn't that US taxes are really impossibly high – harsh though they seem when you make out Form 1040. Economist Walter Heller, who is a sound man with a statistic, recently wrote: "Our overall tax burden – 28 percent of Gross National Product – falls far short of the 35 to 40 percent levels in Germany, France, the Netherlands, and Scandinavia." The comparison in question includes federal, state and local taxes. No, compared with other countries, the American taxpayer hasn't been squeezed dry.

It may seem so, perhaps, to the American middle class, because that's where the tax pinch is. Maybe the tax distribution is better abroad; maybe they don't have the 27½ percent oil depletion allowance loophole. In 1967 Standard Oil of New Jersey had a federal tax rate of only 7.9 percent; Texaco, 1.9 percent, and some others, nothing. That sends the rates up for you and me.

Nor is it that our society doesn't believe in subsidies. Nearly everybody gets them, allocated generally in accordance with the most powerful votes in Congress. The Nixon budget, for example, provides something over $3 billion for farm price support programs. We all have a soft spot for farmers; who can read Whittier's *Snowbound* and complain about the price of cauliflower? The trouble is that two-thirds of that $3 billion goes to the wealthy; to agriculturists with incomes of $20,000 or over. Senator Eastland of Mississippi, for example, gets $157,000 a year for not producing cotton. It is true the government puts up money in food stamps, or commodities to help feed workers displaced from Sen. Eastland's plantations. That's a subsidy, too, no doubt about it. It amounts to $739 million; about a fourth of that paid to sustain farm prices. The poor and hungry do not have a very strong voice in Congress. Mr. Nixon is fighting inflation, and more power to him! There is some movement to reform tax laws (though nothing, so far, on oil depletion). No inflation yet that we know of has been cured without increased unemployment. That is likely to come along punctually, we assume, as the brakes take hold. New York is already cutting back relief funds – can't afford them. Emphasis in Washington is on more budget cutting. Social disorder is normally related to social imbalance. Imbalance is the feature of the San Andreas fault. So let the combo play.

Note: The Supreme Court has now struck down all state residence requirements for welfare eligibility; it will stay a jump ahead of White House and Congress till Mr Nixon remakes it.

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50 East 42nd St., New York, N.Y. 10017
Office of Literary Editor – 17 Charlton St., New York, N.Y. 10014

Playing with Revolution

It will not show on the examination papers, but a lot of learning is going on in universities. The academy is undergoing not so much a revolution as an unacademic inquiry into its purposes and procedures. And it is painful. There are two ways of looking at the disorders on campuses, just as there are two ways of interpreting the dissensions racking the whole American society. One may say that sacred canons and immortal institutions are being undermined and that ahead lies nothing but anarchy, or perhaps worse, a repressive police state called into being by the fears of the establishment. Or one may view what is happening as a creative development in our democratic experiment, one characterized by sharp collisions, and in which contending interests test themselves and each other, discovering in the process what can be done to reconcile their differences.

In any such situation, those who do not panic, those who are prepared to be shocked, hurt, challenged, move forward trying to find terms of accommodation. Such people will be charged – as was the president of Cornell last week, with "capitulation," "appeasement." And indeed, such accusations are true. If one wants to speak of preferences, there would be few who would condone the decision of black militants at Cornell to bring guns into Willard Straight Hall; and it is surprising, if not scandalous, that the university authorities permitted that arms traffic to take place without interference. On the other hand, the black students at Cornell, or at least some of them, had their reasons for thinking they might need to defend themselves against violent attack. At any rate, the guns as well as the occupying students were withdrawn. Cornell is not now under siege. And what happened at Cornell will prove instructive to faculties and students elsewhere. What was made perfectly clear is that if the university cannot check violence, outside authorities will. And if it comes to that, everyone is a loser. It is in the interests of black and white students, as well as university authorities, to prevent any recurrence of armed occupation.

Violence aside, it is a truism that protests and disruptions by black and white militants on many campuses, and now in the high schools, *have* shaken authority out of a complacent acceptance of much that is wrong and remediable. One need not form any final judgment on the details of black militant demands, which vary from place to place.

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But at the heart of all of them is not so much a demand for a larger piece of the pie, as a hand on the knife that cuts the pie. Black Americans are fed up being a servant class. Of course they demand status, authority, and primarily on matters directly affecting them – the character, curriculum, custodians of programs in black studies; a say in admissions policies as they relate to blacks (and Puerto Ricans). And they want the self-knowledge that they have *won* more authority, not through the charitable beneficence of the whites, but through their own militance. There is, as the black assistant dean of students at Cornell said last week, "a whole new breed of students here . . . a new attitude." She sees "a renaissance of the psyche." One may put it in more mundane terms: Harvard's proposed African and black studies program would not have come into being – not so soon – without pressure from the black militants. By including black students on the committee that will develop a program on Afro-American studies, Harvard has taken a step into the unknown, but a step that was necessary. No one can judge, in advance, what that participation will produce; it is not likely to produce, soon, any increase in the number of people qualified to teach Negro history. But the very fact that it is being tried, that the university is open to new ways of doing and deciding things, is not a matter for mourning. Students and faculty do not sit in the same place, but they share the log. If they don't, there is no community.

In all this, there are dangers as well as opportunities. The first is the danger of the universities' becoming political snakepits, responsive not to any intellectual standards or to the educational needs of the young, but to blackmail. When the University of Louisiana was run by Huey Long, it was nothing; professional competence commanded the same respect or, less than, the ranting of the lowliest demagogue in the state legislature. The independence and moral authority of scholars has not been won easily; but even in state universities, it has been largely won, and one result of that victory has been a flowering of intellectual endeavor. That gain must not be surrendered.

Second, there is a real danger that gunmen and nihilists, few in number but indifferent to consequences, will preempt the activist student movement, white and black. This could happen if concerned students and faculty refuse to disassociate themselves from the tactics of force; it could happen if enough teachers, students and administrators become so cowed by threats of a small, violent minority that they are incapable of acting decisively to contain violence. It could happen too if university administrations were to treat all student dissent as punishable offenses; if, in their nervousness, they delude themselves into thinking of all organized protest as rebellion to be put down by expulsion or jail sentences.

It hardly needs saying again that student protest is rooted in real grievances. Some of them have to do with the management of the university itself – the ways it educates or does not, the relevance of the instruction to social concerns of students, its complicity with a war which a majority of students consider wicked, its near-isolation from the hardships of townspeople living nearby. Responsible student protest, at bottom, expresses an oldfashioned democratic desire to make all institutions, especially the ones at hand, more responsive to the people they were established to serve. The working out of that desire is what these disorders are about. "Participatory democracy" is having to accommodate itself to professional standards of scholarship and to historic traditions. Students and professors are grappling with the imprecise question of what added authority transient students should have, and what they will do with it when they get it. In the process, one must expect disorder.

One thing we have seen, and the black and white militants saw it early, is that disruption does work, particularly in elite private universities. That knowledge is a temptation: if a little violence gets a little done, perhaps more violence will get a lot done. It will, but it will not be what most students want done. Moderate students generally are in agreement with the goals of the disrupters; they appreciate how unresponsive the university has been to less dramatic appeals; they know that seizure of a building did bring changes at Columbia and at Harvard. But pushed too far, testing by force is a mug's game. Years of disruptions at the University of California have done little for blacks or whites, or for teaching, or for the surrounding communities. What they have done is enhance the political fortunes of Ronald Reagan, and this is likely to be the pattern in other states with large public universities. For a growing body of opinion is appalled by what it sees and hears. It will tolerate, though it may not understand, the widest exercise of free speech, press and assembly, but not physical assaults on persons or property in the name of revolution. There are certainly signs in Congress and elsewhere that student baiting may become as profitable to the politician on the make as red-baiting once was. This is the sort of political calculus intelligent students should be weighing. The events of May in France led to the Faure university reform; they also did something the student rebels didn't want – they settled General de Gaulle more securely in the saddle.

COMING: commentary on China's new leadership — by Edgar Snow

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Finch's Guidelines

Roy Wilkins of the NAACP remarked in Washington the other day that Robert H. Finch, the Secretary of Health, Education, and Welfare, has "said the wrong things and done the right things" in the course of meeting his responsibility to require integrated and equal education in public schools and in federally supported institutions. It was a fair judgment. The Secretary's initial efforts to placate Southern segregationists and his talk about revising the guidelines that govern the desegregation of public schools in the South have obscured a record of action that deserves notice.

Since January 20, HEW's Office for Civil Rights has cut off federal aid to 8 segregated Southern school districts, started proceedings that will lead to the same penalty for 21 others if they don't come around, and maintained pressure against a total of 510 districts that are considered to be "either in non-compliance or in questionable compliance with the law." Finch has put in charge of the Office for Civil Rights a young director, Leon Panetta, whose determination to enforce the constitutional and statutory requirement that federal funds be denied to segregated or discriminatory educational institutions is beyond dispute. And the Secretary, after taking counsel with the President, has recanted his earlier promise to revise the enforcement guidelines and is saying now that the ones he inherited "are going to be enforced" until and unless court decisions require changes.

Finch and Panetta are also saying, in obedience to a Congressional mandate enacted last year, that the laws and court orders implemented by the guidelines will be enforced nationally as well as in the South. Here they are up against a genuine and growing problem, a problem that is likely to overshadow Southern-style resistance to integrated schooling. The core question is whether segregation by black demand is any more right and legal than segregation by white demand. The formally declared policy of HEW and its enforcement office is that both types of segregated education are equally illegal. The head of every college and university receiving federal money for educational purposes has been told in writing that housing, other institutional facilities, and study courses "must be open and available to all students without regard to race, color or national origin." The same policy applies to elementary and secondary schools. What, then, to do about "black study" courses from which white teachers and students are excluded? About residential and cultural centers for blacks only? And, at the public school level, about black-only schools under black control? Sops to Mr. Nixon's Southern white supporters aside, Finch must be granted to have had this problem in mind when he talked of revising guidelines devised for the South to make them nationally applicable. There manifestly will have to be some modifications in practice, minus the earlier and confusing chatter about them, and the question troubling Finch, Panetta and the more decent of their associates is how to meet current reality without seeming to revalidate segregated education in the South and elsewhere.

This is, of course, a problem for the President as well as for Finch and HEW. The President, saying "the right things," has behaved until now as if he understood very well that millions of Southern and other white Americans voted for him last year because they expected him to do the wrong things. The result has been equivocation and awkward handling of civil-rights matters at the White House level that may have denied Mr. Nixon his chance, slim at best, to win the confidence of black Americans. Now there are signs that he has awakened to the trouble he has made for himself and allowed underlings to make for him. In his fourth month in office, it is said to have at last occurred to him that he would do well to charge one of his numerous White House assistants with the coordination of federal civil-rights actions and policies.

Investigating the FTC

Mr. Nixon has entrusted William T. Gossett, president of the American Bar Association with the task of studying the Federal Trade Commission, as part of an "extensive review" of federal consumer protection agencies, which "may have failed to discharge their obligations satisfactorily." In accepting, Mr. Gossett said he would ask the chairman of the ABA's Antitrust Law Section, Miles W. Kirkpatrick, to nominate members of the study panel, which will include some persons outside the legal profession. It might be a good choice, but it's an odd one; at first glance it seems like asking brokers to investigate the Securities and Exchange Commission. The FTC in addition to "protecting" the consumer by riding herd on deceptive and anti-competitive practices, contests mergers. Many of Mr. Kirkpatrick's lawyer colleagues represent corporate clients before the FTC.

The FTC's ailments have been well chronicled. *The Washington Post* once described the Commission as "a quiet and uncongested place that impresses more than one member of the present Commission as an appropriate rest station for the politically faithful. The telephones, by Washington standards, rarely ring. Aging secretaries ponder the morning crossword puzzle and stir the little coffee pots. There is no budget problem caused by late-burning lights . . . 'It

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took 16 years,' Commissioner Philip Elman once remarked, 'to get the liver out of Carter's Little Liver Pills.' " Ralph Nader's recent 185-page indictment charged that Chairman Paul Rand Dixon spends much of his time dunning employees for political contributions, that the FTC discriminates against Negroes and Ivy League graduates in employment, and that it concentrates on trivial cases.

Still, in the Eisenhower period FTC chairman Earl Kintner fought mergers diligently under the Clayton Act. And the current Commission of four Democrats and one Republican has been showing signs of life. On April 13, it voted to require that large companies (those with combined assets of over $250 million) give notice of their intent to merge 60 days before consummating a deal, thus giving the FTC time to consider challenges. Since last summer the FTC has been studying conglomerate mergers, and that could lead to new legislation specifically designed to curb acquisitions of unrelated companies. (In 1968, 192 mergers took place involving companies with assets of more than $10 million; the 200 largest companies acquired 70 firms by merger in that year; in the first 12 weeks of 1969, 43 large corporations with total assets of $4.5 billion were acquired; and 17 mergers are currently scheduled for approval by stockholders.)

Nixon will have his first chance to dump a friend onto the Commission when Commissioner James M. Nicholson returns to his Indiana law firm on September 25. The President has reportedly tried to interest former Rep. Thomas B. Curtis (R., Mo.) in the job, but Curtis politely declined. One Congressional source believes that Nixon, finding it difficult to lure anyone "hit upon the idea of appointing a prestigious bunch to study the FTC, issue a report in September recommending reforms just before the President has to appoint a new commissioner. Nixon will endorse the report, the future will appear brighter, and someone will materialize for the job." If the President is to have a man confirmed by the Senate and ready to take Nicholson's seat, he cannot wait that long; he will have to make the appointment within the next several weeks. With Congress recessed in August and the inevitable delay in processing a nomination by the Senate (which doubtless will want to set hearings), the appointment should be made now. But it is not uncommon for there to be a hiatus of several months between commissioners. David Murchison, a partner in the Washington firm of Howrey, Simon, Baker & Murchison and onetime assistant to the FTC chairman (1953-55) has been rumored to succeed Nicholson, as have former South Dakota governor and former FTC member (1955-64) Sigurd Anderson, Mayor Eugene Ruehlmann of Cincinnati, and Mary Gardiner Jones, who as the only Republican on the FTC wants the job but doesn't expect to get it.

The ABA inquiry may prove good politics, from Nixon's point of view. It may dissuade people like Senator Ribicoff and Edward Kennedy (who is chairman of the subcommittee on administrative practices and procedures) from conducting their own investigation. Mr. Nixon may be hoping too that the ABA aura will protect him and the more conservative of the commissioners from unofficial but painful criticism from the likes of Ralph Nader. Or it may even be that tough action against conglomerates will be held up pending the ABA report. In the end any reorganization of the Commission rests with Congress. A recommendation such as divesting the FTC of its antitrust functions probably would not be approved.

Going for Lindsay

There's a story about a New York Democratic leader rejecting a conspicuously unqualified would-be candidate with the ultimate putdown: "He's so light he could walk on a charlotte russe." It's a judgment that might be applied with some justice to most, although not all, of those who are competing for the Democratic nomination to oppose Mayor John V. Lindsay this fall. But things have reached the point in New York at which competence may be essentially irrelevant to the decision. Instead, the trick is to put together the right combination of appeals to the resentment of an electorate not convinced the city is governable anyway. The measure of Democratic vigor is the fact that the leading candidate is former Mayor Robert F. Wagner, who left as "bumbling Bob" four years ago but now evokes nostalgia for a day when things seemed not quite so harsh. His only serious competition is City Comptroller Mario Procaccino, once described as the rhinestone in the rough of New York politics. Procaccino has built an extraordinary following (stronger than Jacob Javits in some polls) with his advocacy of capital punishment and his strictures against "coddling criminals and pampering punks." Rep. James Scheuer, who may be the best qualified Democrat, is having no impact.

There is, however, another characteristic of the New York electorate that enhances Lindsay's position. Because they have little faith in solutions, the voters have a predisposition to the demonstrably honest and well-intentioned candidate, particularly if he has that mystical "class" so highly prized in the heartland of sophistication. Lindsay, the aging golden boy of 47, still fits this prescription, and many of the 50-year-old blonde ladies who now castigate him as "nigger lover" and "quisling" also reflect a he's-

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a-bastard-but-he's-our-bastard ambivalence. (A recognition of this quality in the city's attitude toward Lindsay also may have played a part in the decision of the shrewd Alex Rose to swing the small but sometimes important Liberal Party behind the mayor.)

Conscientious Objection

The Quakers, Justice Holmes once suggested, "have done their share to make the country what it is," even though "they believe more than some of us do in the teachings of the Sermon on the Mount." In *US v Seeger*, in 1965, the Supreme Court gave a generous construction to the concept of religion, holding that it may include beliefs which occupy "the same place in the life of the objector as an orthodox belief in God holds in the life of one clearly qualified for exemption." So, the Court decided, adherence to a formal religion was not necessary for draft exemption. Congress promptly amended the statute to indicate – if not altogether unambiguously – that in its view formal religious training and belief *should* be the touchstone.

A decision by the United States District Court in Boston, which will no doubt soon find its way on appeal to the Supreme Court, has now cut through all that. The case – it is a name to remember – is *United States v. John Heffron Sisson, Jr.* The opinion, at once solid and eloquent, by Chief Judge Charles Edward Wyzanski, Jr., holds that "a sincere conscientious objector . . . cannot constitutionally be subjected to military orders . . . which may require him to kill in the Vietnam conflict," and is immune to such orders regardless of whether he professes any belief that may remotely be termed religious.

The defendant explicitly disclaimed any religious objection. His conscience was moved by reading about the Vietnam situation, and by studying the UN Charter and the charter and judgments of the Nuremberg Tribunal. Thus he arrived at his objection to killing in this war at this time. But his "table of ultimate values," Judge Wyzanski said, was "moral and ethical." And his sincerity seemed to Judge Wyzanski beyond question: Sisson "was as genuinely and profoundly governed by his conscience as would have been a martyr obedient to an orthodox religion," even though nothing in his belief derived from the discipline of a church.

Judge Wyzanski was prepared to assume that the military operation of the United States in Vietnam is lawful, or at least that its lawfulness is not subject to adjudication by courts; that in circumstances of ultimate peril, "in a defense of the homeland," the United States has the power to conscript for combat anyone at all, and is under no obligation to respect conscientious objection; and that the government may conscript conscientious objectors for noncombat service. But he held that in "a campaign fought with limited forces for limited objects, with no likelihood of a battlefront within this country and without a declaration of war," the United States could not constitutionally conscript for combat sincere conscientious objectors, whether or not their objection was grounded in formal religious training, and whether or not it was an objection to war in general, or to a particular war.

"When the State through its laws," said Judge Wyzanski, "seeks to override reasonable moral commitments it makes a dangerously uncharacteristic choice. The law grows from the deposits of morality. Law and morality are, in turn, debtors and creditors of each other. The law cannot be adequately enforced by the courts alone, or by courts supported merely by the police and the military. The true secret of legal might lies in the habits of conscientious men disciplining themselves to obey the law they respect without the necessity of judicial and administrative orders. When the law treats a reasonable, conscientious act as a crime it subverts its own power. It invites civil disobedience. It impairs the very habits which nourish and preserve the law." This is the heart of the matter. It is doctrine as far-reaching as it is sound, for it suggests that democratic governments cannot long carry on wars that violate the conscience of large numbers of its citizens.

Nixon's Tax Plan

It's Not Perfect, but It's the Best Yet

by Edwin L. Dale, Jr.

The Nixon Administration's tax proposals to Congress, nearly 275 pages in all, must be viewed in two parts: the economic-political, and the reform-political (with the term political in each case not necessarily pejorative). Out of it all, given the almost frightened awareness of Congress that people care about this matter and are no longer dumbly ignorant about tax escapes, there may well come the most important tax reform in this country since the income tax became significant more than three decades ago.

That is still some time off. We should count it a big step if, as he intends, Wilbur Mills manages to get a comprehensive reform bill through the House this year, leaving the wholly unpredictable Senate Finance Committee to toy with the problem next year with the

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hope of final enactment in this Congress. Let no one expect instant justice, nor, for that matter, change his estate planning. In the interim, what must be judged is the Nixon package.

The economic part of the package, given the modern political history of the country, is an exquisite irony. In a word, a Republican President proposes to accomplish some fiscal restraint against inflation through a surplus in the budget, widely accepted as necessary, while reducing business after-tax profits and giving back most of the money to ordinary citizens, with special emphasis on the poor. No amount of talk about "tricky Dick" will change the facts. Mr. Nixon wants to take away a nearly $3 billion annual subsidy for business in the form of the seven percent investment tax credit, proposed by and enacted under John Kennedy, and return $700 million of it by way of removing nearly all the poor (as officially defined, which must of course be arbitrary) from the tax rolls and giving the rest of us some $1.7 billion by way of a reduced income-tax surcharge after January 1.

Economists can and will argue over whether this tax switch will be more effective in checking the inflationary boom than its alternative, which was to leave both the surcharge and the investment tax credit unchanged, with the same budget surplus for the immediate fiscal year ahead. But very few will argue that the new Nixon soak-business package will be less effective, and the response of the bond market – much more revealing than the airy-fairy stock market – indicated it would be more effective. To the extent it checks the current inflationary culprit – business investment in plant and equipment – it is obviously a sensible switch. It might work very well indeed, though no one really knows.

The political railbirds will have fun for months trying to decide, or prove, that Mr. Nixon made this rather dramatic turn because he saw which way the political wind was blowing – namely, and in particular, a vote of the House Democratic caucus favoring repeal of the business investment credit. There is no doubt, in any case, that the switch was a last-minute one. But it is just possible, even in this cynical world, that Richard Nixon simply decided it was the best thing to do both for equity and for the economy. What he said was, "This subsidy to business investment no longer has priority over other pressing national needs." As the babble of business protest rose (though not unanimous), one dared to think that he just might mean it.

The proposed reforms are equally fascinating. Here it is imperative to keep in view the forest, and not miss it for the trees. It was amusing to watch the emphasis of instant commentators, and headline writers, after the first glance at what was, after all, a highly complex package: this or that was left out; the reforms do not go deep enough; Mr. Mills wanted to go further.

There *are* some entirely arguable omissions from the Nixon package. But the funny thing is that it does much more to close or narrow tax escapes for the rich than anything President Johnson ever proposed and, given the context, at least as much as anything President Kennedy proposed (the escapes, and their emphasis, have changed somewhat over the years and it is not fair to say that one package is more "liberal" or "reformist" than others). What can be said without any fear of contradiction, is that it is far and away the most "anti-rich" tax reform proposal *ever* proposed by a Republican President in the 56 years of the existence of the income tax.

Some "loopholes" (parts of farm deductions, personal use of foundations, charitable contributions, mineral production payments, multiple trusts, capital losses) would be attacked directly by a change in the law – in some cases more severely than the proposals of the Democratic Treasury, finally disclosed without endorsement by President Johnson last January, in some cases less severely, in some cases identically.

Others (oil depletion and "intangible drilling costs," untaxed gains on stock or other assets given to charity, extra depreciation on real estate, and farm losses) are not attacked directly, giving rise to some criticism, though the Nixon Treasury says they are all still under review and fair game for change later. But these four items would be caught, in part, through a new device very similar to the "minimum tax" in the Johnson Treasury proposal, now termed "limit on tax preferences." In a word, once these special types of income begin to exceed a taxpayer's ordinary taxable income, from salaries and the like, they would begin to be taxed. The aim is quite simple – to make all the rich, regardless of the source of income, pay something. Once again, the Nixon proposal is in part tougher than that of the Johnson Treasury and in part weaker. For example, the "catching" of oil income is considerably tougher, and the same is true of the real estate gimmick of rapid depreciation. But still, the weaker points have attracted attention – legitimately.

The most important involves taxation of capital gains. Both proposals would leave half of capital gains untaxed, as at present. But the Nixon proposal would leave intact the maximum tax of 25 percent on any capital gain, regardless of the tax bracket; the Johnson Treasury "minimum tax" plan would, in effect, have abolished this "alternative" and forced high-bracket taxpayers to pay effective rates of up to 35 per cent – and, incidentally, picked up some $300 million of annual revenue. This is a very crucial issue and Mr. Nixon's Treasury team frankly admitted to the House Ways and Means Committee that they were not yet prepared to take the step, partly on the ground that they were examining the whole issue of

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capital gains, including taxation of gains at death, which is not done now. Their case, in the early stages, does not seem impressive on this point.

The other untouched escape, as far as the "limit on tax preferences" is concerned, is tax-free interest on state and municipal bonds. No matter what anyone may pretend, it will remain sadly true that a rich person, if every word of the Nixon package were enacted unchanged, could invest all his or her capital in municipals and pay not a penny of federal tax. The issue has a long history, much political fussing from state and local officials who want to keep interest rates on their bonds down, and possibly even a constitutional problem. This is not the place to discuss the merits. But it is the place to raise a point tax lawyers and Congressmen may neglect: interest rates on prime municipal bonds are now well in excess of five percent, which is a lot different from three percent or less that we have been used to for years. If this loophole is left entirely alone, the rush of the tax dodgers may become a stampede, particularly with the other gimmicks made less attractive. Municipal bond prices rose sharply the day the Nixon proposals were announced.

To be fair, both capital gains and municipal bond interest would be "caught" in part in the Nixon package by a device called allocation of deductions, again something in both the former and present Treasury proposals. A person would have to reduce his itemized deductions – medical, interest, charity, state and local tax, miscellaneous – by one-fourth if one-fourth of his total income was from tax-exempt sources, for example, with a $10,000 minimum to avoid bothering the only moderately affluent. This is an important and entirely just provision, and would raise $500 million of revenue. But, alas, a Mrs. Dodge – today more than ever with these interest rates – could invest $100 million in tax-free bonds and live fairly well on $5 million income without reporting any taxable income at all and thus with no need for deductions.

There is no reason, however, to condemn this package because of one or two omissions that involve tough decisions by any test. If the simplistic shouters for justice – such as taxing all growth of wealth before it is even realized in the form of income – go on proclaiming that society is bad unless it is perfect, they could well block any reform at all. We have become so cynical that a large number of us will not believe that Mr. Nixon has really proposed anything meaningful in the way of tax equity or that Congress, assuming it acts, has done anything, especially given the complexity of the issues. But this is a case in which to be cynical – at least at this stage – is to be foolish. It is a case, strangely, in which it is legitimate to hope for the best. Let the doubter cite another time when a Republican President and a Democratic Congress agreed that the tax system was too biased in favor of many of the rich.

Home of the China-Watchers

Hilton and Mao—Cheek by Jowl

Hong Kong

Hong Kong has a population of 4 million, and another 4 million people visit it each year. But the more revealing statistic is that it has attained the highest density on earth, a density which is 20 times that of London. The foreground of the daily scene is occupied by sailing junks, and the anchored sampans that are the homes of the Hoklo tribe of sea gipsies. But the background is an astonishing little Manhattan. Straight up from the foreshore, and literally scraping the low clouds, stand huddled together row upon row of 16-story and 25-story buildings. They climb up into the hills, but they also thrust out into the sea; for in order to provide themselves with more *lebensraum*, the people of Hong Kong are constantly shaving off hills to make flat spaces for putting up buildings, then depositing the rubble in the sea, thus creating more land on which to erect still more buildings.

Singapore's socialist prime minister is determined to turn it into a model welfare state, but Hong Kong practices capitalism in its most undiluted form. The employers of the colony's 185,000 textile workers claim that their employees are guaranteed a minimum wage, an eight-hour day and other benefits, and this may be true. The fact remains that Hong Kong's 12,000 registered factories enjoy the advantage of what must be nearly the cheapest labor force in Asia. The factories have made full use of it, to attain a value of exports that now greatly exceeds $1 billion a year, compared with $40 million 20 years ago. Many of the owners of those factories are refugees from mainland China who arrived in Hong Kong penniless and have since become very wealthy. Most of the workers are also refugees, who hope that with hard work and a bit of luck, they too may one day be rich. They are certainly prepared to work. They occupy miles of tall tenements whose greyness is brightened by gaily colored washing hung out to dry.

These tenements also hide the innumerable unregistered, illegally operated workshops of the colony. No one knows how many there are. From time to time, fire sweeps through a tenement, caused by faulty electric wiring or a dropped match. Then the police and other authorities swoop down and close the place. But no one doubts that it will soon appear phoenix-like elsewhere. The families who own those workshops (and do most of the work in them) may be tomorrow's Hong Kong capitalists, for it is the dream of

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every factory worker to scrape together a little money and launch out with a workshop of his own.

In spite of its unbridled capitalism, and its huge heroin traffic, Hong Kong is on the whole well run. Law and order is maintained by 11,000 smart Chinese police. There's little display of force, though this year they felt compelled to budget for bulletproof vests because of the ructions created by Communist demonstrators. As befits a British colony, Hong Kong has at least an outward appearance of British calm. It is so British that its colonial administrators manage to turn China tea into a stewed dark-brown brew that is too strong for any but British palates. The best hotel gravely serves this brew to surprised travelers who have been unwary enough not to order coffee.

Hong Kong is run on behalf of Her Britannic Majesty by two knights, Sir David and Sir John. The Governor is the personal representative of the Queen; but the Financial Secretary does all the real work. This spring, the Financial Secretary triumphantly budgeted for a surplus; yet there is a 15 percent ceiling on income tax. The Governor is assisted by an Executive Council and a Legislative Council, neither of which has on it any elected representatives. The "Exco" has six official members, and eight "unofficial" ones; but the latter are all picked and appointed by the Governor. "Legco" similarly has 12 official and 13 "unofficial" members, and only 9 of the 13 are what the British call "local people." Below Exco and Legco there are 40 departments of government, all of them staffed exclusively by career civil servants. The only electoral element that is allowed to intrude is in the Hong Kong Urban Council, which has 26 members of whom 10 are elected. But all its decisions require Legislative Council approval.

The Chinese, including the million or more who are mainland refugees, display little resentment of this 18th century administrative framework. An assault on British colonial rule probably would only throw them into the embrace of Peking. A full quarter of them are in Hong Kong precisely because they fled from mainland rule. When discontent gnaws them, all they need do in order for life under British rule to seem quite bearable is to listen to a recent refugee's tale of how people are faring across the border just a few miles away.

Nevertheless, the colony is living on borrowed time. The bulk of it, the "New Territories" comprising more than 350 square miles, was only leased from China, in 1898, for a period of 99 years. The lease will be up in 28 years. Most people believe that unless it is renewed, Hong Kong will cease to exist as a British colony and the entire place will once again be part of China. Should Peking seek to take it over before the lease of the New Territories expires, the British have made it clear that they do not intend to fight for Hong Kong. The British do from time to time use force to quell demonstrations by Communists, but that comes under the heading of law and order, not of confronting China. The demonstrators who planted bombs and committed other acts of sabotage were not, it is believed here, acting on Peking's instructions, but were trying to prove at the height of the Chinese "Cultural Revolution" that they could be relied on to act as violently as Mao's Red Guards. Peking itself has been fairly restrained in its attitude toward Hong Kong. It has also abandoned its tirade of abuse directed at the Portuguese colony of Macao and has, instead, loaned the startled Macao authorities a labor supply for building a causeway that will enhance Macao's attraction for foreign tourists. This *volte face* by Peking has bewildered "China watchers," but has encouraged investors to take heart and put more money than ever into the British colony. For 20 years Hong Kong has been under the Chinese Communist gun, without ever a shot being fired.

Meantime, this is a place of bewildering paradoxes. Not the least is that the most imposing building by far is owned and occupied by the Communist Bank of China. It stands cheek by jowl with the Hong Kong Hilton, and American tourists often wander in innocent error into the Communist Bank to try to cash a traveler's check. Another feature of Hong Kong is that it serves as a home and convenient observation post for Westerners who read a great many Chinese Communist newspapers and documents, as well as listen to the Chinese Communist broadcasts and interview refugees and others who come out of mainland China. The China Watchers have been at their post for two decades, but it cannot be truthfully said that they have had much success in translating what happens into intelligible Western terms. Each new development has taken most of them by surprise.

This pardonable fallibility does not prevent some China Watchers from assuming an air of infallibility. The traveler who is jaded by normal sight-seeing may find refreshment in visiting a Chinese restaurant that is a favorite haunt of the China Watchers. There he is likely to see those professionals expertly twirling their chopsticks or slurping their Chinese soup, while they bark in Chinese dialect at the waiters and portentously discuss the latest tidbit of information.

The "Watchers" do not include any known Soviet experts on China, though Russians will probably bulk larger in China's immediate future than will the American and British warships at anchor in Hong Kong harbor. Russia is busy forging trade links and trying to create goodwill in Southeast Asia, from Singapore to Taiwan. It seems a reasonable assumption that this is being done with a Soviet eye on China. A serious Russian military move against China probably would not take place in the inhospitable barren regions of the Amur River, near the disputed island of Chenpao,

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but might be launched against Sinkiang, which is believed to be rich in oil and uranium as well as being the site of China's nuclear installations. Sinkiang, besides, has large non-Chinese minorities. Several times in recent years, Russia has accused China of oppressing the minorities, by "driving them from their ancient lands into lifeless deserts." The ethnic minorities are apparently not the only people in Sinkiang who are having a hard time. Last September, a group of senior Chinese nuclear and ballistic scientists in Sinkiang were arrested, accused of being Soviet agents and saboteurs. These charges may have been made in order to cover up embarrassing failures of Chinese nuclear weapons being tested, but there have been some signs of struggle among various Chinese factions for control of the nuclear installations. The Russians meanwhile have themselves installed missile sites in Outer Mongolia, at Buir Nor and Noirobiansan, from where they could possibly destroy China's nuclear plant in Sinkiang.

The Great Proletarian Cultural Revolution seems to have raised up a whole host of provincial and local, age-group and occupational rivalries throughout China. Angry students, roused peasants and finally factory workers have been behaving like successive waves of Boxers. Almost every part of China has shown evidence of turmoil, but few parts have shown it in so marked a degree as Sinkiang. One outcome of the confusion has apparently been to put the Chinese People's Liberation Army, under Lin Piao, in a more commanding position than either the Chinese Communist Party, or the Chinese governmental structure that seems to be headed by Chou En-lai. But though the army may be in command of the situation for the moment, it will have its work cut out for it to restore order to all of China. So long as the army is engaged in this task, China will be in no position to take on external foes.

The American China Watchers who work for the Department of State have long advised that whatever else may be said about China, it is not a strong military power and the strategy that its armed forces have adopted is one of defense in depth rather than one based on attack. Yet the Department of State and the Pentagon envisage a militarily powerful, bellicose China. "We crank it in white," one American here said, "but somehow in Washington it always seems to come out black."

Alex Campbell

The AFL-CIO as Paid Propagandist

Agent Meany

by Richard Dudman

To George Meany there are "bad" trade unions (Communist) and "good" trade unions (free, democratic) and never the twain shall meet. The former are agents of the Communist party or Communist government-dominated; the latter are independent of external control. In fact the AFL-CIO has blurred this sharp distinction by accepting United States government funds to finance the work of three regional institutes it operates among unions in Latin America, Africa and Asia – the American Institute for Free Labor Development (AIFLD), the African-American Labor Center (AALC), and the Asian-American Free Labor Institute (AAFLI). The government pays 80 to 90 percent of their bills through appropriations for the Agency for International Development.

Now a turn of events has made Meany's distinction even blurrier. Not only do these three institutes accept substantial government support; they also have assumed an additional function as conduits for AID money funneled into various "CIA orphans" – the overseas programs that used to be paid for secretly by the Central Intelligence Agency. Whether it is all the same money, whether CIA still actually directs these activities, and whether the change is

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RICHARD DUDMAN *is in the Washington bureau of the* St. Louis Post-Dispatch.

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just a matter of bookkeeping are good questions to which we can only surmise the answers.

Beneficiaries of this new form of roundabout government financing include the Retail Clerks International Association and the International Federation of Petroleum and Chemical Workers, two of the big affiliates of the AFL-CIO that received money from the CIA conduits in the old days: they performed such tasks as supporting the general strike that helped keep Cheddi Jagen from coming to power when Guyana became independent in 1966. Current enterprises include developing an oil workers' federation in Japan, financing a retail clerks' union office in Peru and buying membership buttons for a labor union in the Congo. Emphasis is on building up "free" (anti-Communist) unions.

CIA financing was exposed two years ago when a flurry of newspaper stories uncovered a labyrinth of foundations that passed untraceable funds back and forth and subsidized certain favored overseas operations. The new system of funneling aid funds into the labor organizations by way of the AFL-CIO institutes apparently grew out of President Johnson's order of March 29, 1967, prohibiting any further hidden subsidies to private voluntary organizations. He promised to give serious consideration to a proposal that the federal government develop and establish "a public-private mechanism to provide public funds openly for overseas activities of organizations which are adjudged deserving, in the national interest, of public support." A panel headed by former Secretary of State Dean Rusk recommended stopgap assistance for a few such organizations last May, but left the question of permanent financing to the new Administration. Financing of the international labor programs through the AFL-CIO outlets with AID funds is part of that stopgap plan.

This program, begun in mid-1968 with a little more than $1 million annually, was planned in meetings of AID and AFL-CIO officials held earlier that year. Ernest S. Lee, assistant director of the AFL-CIO's Department of International Affairs, made the formal proposal in a letter May 15, 1968, to Rutherford M. Poats, deputy administrator of AID. Lee is a son-in-law of Meany and assistant to Jay Lovestone, the onetime secretary general of the American Communist Party who later turned fiercely anti-Communist and helped labor unions spend CIA money in the cold war rivalry after World War II. As Director of International Affairs for the AFL-CIO, Lovestone heads the international activities of the federation and is said to exercise a partial veto over selection of labor attachés at US embassies.

Lee asked AID to provide $1,300,000 by expanding existing contracts with the American Institute for Free Labor Development (AIFLD), the African-American Labor Center (AALC) and the Asian-American Free Labor Institute (AAFLI).

AIFLD, founded in 1962, already has received $23 million from AID to support organizational and political activities, construction of workers' housing, workers' training schools and other programs throughout most of Latin America. It received $8 million last year.

AALC, founded in 1964 for similar work in Africa, and AAFLI, in 1968 for Asian projects, have been getting about $1 million apiece from AID for their regular programs.

The executive director of AALC is Irving Brown, who worked as Lovestone's agent after World War II to set up unions in Germany, France and Italy as rivals to combat Communist-dominated unions. Among Brown's many "impact projects" financed by US government funds is a visit by three African labor leaders to the United States to attend the 1967 AFL-CIO convention.

Technically, there is no secret about the new financial arrangement for the overseas union organizations. Although there has been no voluntary explanation to Congress or to the public, officials answer questions about it in the greatest detail. An AID "position paper" describing the subsidized work of Brown's AALC says that AID support "must be acknowledged, at least to the host government." This seems to suggest that individual citizens of the host country can just as well be left in the dark.

The same document says that AALC technicians "will consult with USAID mission officers, but they should not become identified as AID contractor employes." It also gives the approved public description of AALC: "a private US labor organization, founded by the US labor movement, working with financial support from private and public funds." An official of the US Embassy or AID mission assigned to watch progress on an AALC project "will work with the AALC technician discreetly and tactfully to retain the union-to-union image. Site visits, when required, will be arranged with the AALC technician and will be as unobtrusive as possible."

Lee's plan, eventually adopted, was that AID would use the three institutes as "instruments to provide financial support to American labor organizations" in developing and strengthening free trade unions throughout the world. His proposed schedule of subcontracts called for $300,000 each to be funneled into the Retail Clerks International Association, the International Federation of Petroleum and Chemical Workers, and the Communications Workers of America, and $100,000 into the Brotherhood of Railway Clerks.

Lee proposed an additional $200,000 be routed through the three institutes directly to groups of unions overseas, without reference to any American

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unions. These groups were the "clothing and textile workers unions," "entertainment workers unions," and "food, drink and plantation workers unions." These programs have been slower to develop. An additional $100,000 was requested for administrative and supervisory travel.

Meany stated the case for independent unionism in a speech March 13, 1951, before the Catholic Labor Alliance in Chicago: "We are totally independent of any government control or influence. At times we may agree and cooperate. At times we may disagree. But at no time can we serve or act as an agency or dependent of our government. It is this entirely independent role of the AF of L which has lent great potency, prestige and effectiveness to our domestic and foreign activities against the Communist scourge."

Things have changed since then, however, and Lee's letter to Poats started right off by saying, "This will confirm our recent discussions in which the Agency for International Development may utilize the American Institute for Free Labor Development, the African-American Labor Center, and the Asian-American Free Labor Institute as instruments to provide financial support to American labor organizations involved in, and capable of, developing and strengthening free trade unions throughout the world." He went on to ask for $1,300,000 in AID funds for allocation by the three "instruments."

Things have changed, also, with respect to union delegations from other countries, with the AFL-CIO as host. In the same 1951 speech, Meany boasted about the number of such visits and said: "These are not government financed delegations. They are strictly independent trade union delegations."

As the financing has developed, some of the allocations have been readjusted, and the current total through June is $1,245,000. This AID money takes the place of interim financing through the International Confederation of Free Trade Unions, which Meany quit when he no longer needed it.

The pattern of financing follows closely a plan proposed and actually applied for a short time to support overseas work by the American Newspaper Guild, which also had been financed by the CIA until the exposures two years ago. When the CIA's role was revealed, the Guild could get no satisfactory answers out of the foundations that had been supporting its overseas work and had been exposed as CIA conduits – the Granary Fund, the Andrew Hamilton Fund, the Chesapeake Foundation, the Broad-High Foundation and the Warden Trust. The Guild's board, declaring that this left a shadow over its international affairs program, directed its officers to sever all connection with the funds.

Hoping to keep up the program, however, the Guild obtained a temporary grant from AFL-CIO emergency funds and additional assistance from AIFLD. Meany at one point told the Guild officers that permanent financing could best be obtained from AID through AIFLD, AALC and a third regional institute soon to be created. This was AAFLI, set up since then and now being used for the pass-through financing of the other union programs overseas. But permanent arrangements for the Guild never jelled. Its officers were told that funds were being curtailed. Some of them concluded that their independence of Lovestone and of US policies made them unacceptable for government subsidy.

"The Guild just didn't fit the mold," one officer says. "It was more concerned with wages and hours and conditions of employment and less concerned with political intrigue." The Guild's overseas program, which included seminars for foreign journalists and union organizing activities, has since been dismantled – but the Guild remains in the AFL-CIO.

There were two basic policy questions when the disclosures of two years ago showed that many of the international conferences, orchestra tours, and publications were actually financed by undercover government funds. The first was whether covert financing was to be continued, considering the damage caused by past exposures and the danger of further exposures in the future. President Johnson chose to call a halt to the secret financing rather than look for new secret conduits.

The second question was whether voluntary organizations can function effectively with any government subsidy, covert or overt. Particularly in the case of labor unions, there are those who believe that both credibility and integrity suffer. They point out that AIFLD has slavishly followed US policy on such issues as intervention in the Dominican Republic, where many local unionists and even many Peace Corps volunteers were bitterly and outspokenly opposed to US policy.

The pro-subsidy argument is that adequate funds are not available elsewhere, and that if the government does not pay the bill, no one will. Whatever the theoretical argument, American officials often do rely on labor organizations that they largely finance, for help in carrying out government policies.

Last year, Philip C. Habib, of the State Department's East Asia bureau, answered complaints about the arrest of South Vietnamese labor leaders by pointing out that Irving Brown of AALC and Fernand Audie of AAFLI were in Saigon and could persuade local labor leaders to rely on President Thieu and Vice President Ky to offset General Loan, the national police chief who had made the arrests.

On another occasion, James P. Grant, then the head of AID's Vietnam bureau, reported that a strike against an American firm in South Vietnam

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could be settled in a few days in view of the excellent relationship between the Vietnamese labor federation and the Saigon government. The labor federation is heavily subsidizd through AAFLI.

Brown has made a special point of extending AALC's operations among African unions into Madagascar and other Indian Ocean islands where American satellite tracking stations are located.

The Nixon Administration apparently has accepted the same formula for subsidizing overseas labor activities. Meany seemed apprehensive when he presided at a meeting of the Labor Advisory Committee on Foreign Assistance last Nov. 12, a week after the Republican victory. The doubt had been dispelled when the Committee met again on March 10. George P. Delaney, the State Department's internal labor affairs coordinator, reported that the new AID administrator, John A. Hannah, had a favorable attitude, and that labor would have a "friend in court" in the Nixon Administration.

Meany observed that he knew Hannah personally and would enjoy working with him again. Then Meany went on to read a letter that Nixon had written to AIFLD's board chairman, J. Peter Grace, president of W. R. Grace & Co. Nixon said he was much interested in AIFLD's work and looked forward to continued cooperation toward their common goals. Gerald P. O'Keefe, acting director of AAFLI, said jokingly that, after hearing about Mr. Nixon's interest in AIFLD and AALC, AAFLI as "number three" would have to try harder to attract the President's attention toward Asia.

A further straw in the wind was the word that Gov. Nelson Rockefeller planned to take Andrew C. McLellan, the AFL-CIO's Inter-American representative, and Joseph A. Beirne, secretary-treasurer of AIFLD, on the first of his trips to Latin America for President Nixon.

Evading Gun Control

by Stephen Cupps

When Congress passed, and the President signed, the Gun Control Act of 1968 last October, it was thought that the struggle between the gun lobby and the proponents of stricter firearms control would end, at least for awhile. In one sense this has happened, though not in the sense that most had anticipated. The conflict has subsided primarily because advocates of stricter controls have failed to take an interest in the less visible administrative arena where the actual working rules for enforcing the new gun laws are being written.

Last November 6, the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service issued its proposed regulations for implementing the Gun Control Act and announced that it would hold public hearings in Washington at which "interested parties" could present their views. Proposed ATFD rules required firearms buyers to complete a Firearms Transaction Record (Form 4473) which would show the buyer's name, address, date and place of birth, height, weight, and race for purpose of identification. In the case of over-the-counter transactions, a purchaser was to identify himself "in any manner customarily used in commercial transactions" (e.g., a driver's license). Where the purchase was other than over-the-counter, ATFD required a gun dealer to obtain verification of the identity of the purchaser by having Form 4473 certified by a notary public or a federal, state or local law enforcement officer in the buyer's locality. In addition, the buyer was to sign a statement certifying that he was not prohibited under the provisions of the Gun Control Act from receiving a firearm in interstate or foreign commerce. To prevent persons who were not bona fide dealers in firearms from obtaining federal dealers licenses (which would exempt them from most of the regulatory provisions of the Act), ATFD ruled that dealers must have "business premises" and that "a private dwelling, no part of which is open to the public, shall not be recognized as coming within the meaning of the term." Following the letter of the law, the agency insisted that federally licensed dealers, manufacturers, and importers could ship firearms, ammuni-

STEPHEN CUPPS *teaches politics at the University of California, Santa Cruz.*

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tion, and reloading components in interstate commerce *only* to other federal licensees, thus requiring shooting clubs and target ranges that provided guns and ammunition for members and guests to obtain dealer's licenses and maintain full record-keeping procedures. Proposed ATFD regulations also required prior police approval for the transfer of "destructive devices."

Although the mass media, gun control groups, and the general public paid scant attention to the proposed regulations, members of the gun lobby did. *Guns & Ammo*, a monthly firearms magazine, told its readers, "Even more immediate, and in many ways more important, is how the new law is going to be administered. . . . In spite of the fact that some personnel high in government will be changing with a new administration, many of the lower-ranking, run-of-the-mill civil servants who specialize in these fields will still be on duty. They are the ones that draft regulations, administer them, and in many cases recommend policies that are later adopted higher up. The next several months will tell the story of just how hard the new law is going to hurt." *Gun World* complained: "The apparent aim is to make the law as tough as it is possible to make it – in spite of the reasonable intent written into the statute." Many of the charges made by various gun magazines to arouse rank-and-file indignation at the agency's proposed rules were patently false or misleading. *Shooting Times* told its readers that ATFD was responsible for the burdensome provisions that had been added to the law, and then added, "The rules concocted by Treasury – and mind you these are rules and not laws and are meant to help enforce and supplement the law – cannot be set aside by a Court of Law."

When public hearings were held in November, most of the powerful groups and organizations in the firearms field, including the National Rifle Association, Sporting Arms and Ammunition Manufacturers Institute, National Reloading Manufacturers Association, National Retail Hardware Association, International Armament Corporation, and representatives of numerous gun manufacturing firms and hunting and shooting clubs appeared to argue for less stringent controls. A common theme ran through all the testimony: ATFD had abused its discretion under the Gun Control Act by setting up requirements that were unnecessarily restrictive and burdensome and which in some cases were completely contrary to the intent of Congress as expressed in the text of the Act. In describing what it termed the careful balance Congress had constructed between the need for restrictions on firearms ownership and use and the rights of law abiding citizens, the Sporting Arms and Ammunition Manufacturers Institute warned, "unless certain harsh and arbitrary aspects of the proposed regulations are changed, the rights of 50 million firearms owners will be infringed, legitimate commerce in firearms and ammunition will be disrupted, and the Internal Revenue Service will have abrogated the careful balance sought by Congress."

Of the 52 groups and individuals who offered oral testimony or submitted written comments on the proposed regulations, 51 sought to weaken, modify, or completely do away with the ATFD proposals. The only supporting statement ATFD received was a letter from Senator Thomas Dodd endorsing the proposed rules as "both reasonable and necessary to effectively enforce the provisions of the Gun Control Act." Given the absence of any meaningful support for its stiff regulations, ATFD's response to the gun lobby demands was predictable; the proposed rules were changed to conform more closely to the "suggestions" offered by the gun groups. Among other things, ATFD agreed to drop the requirement that firearms purchasers must have their identity verified by a notary public or law enforcement official in order to purchase a gun through the mail in intrastate transactions. At the insistence of the gun groups, the agency adopted the less stringent – and less effective – requirement that a gun dealer simply inform the chief law enforcement officer in the purchaser's locality that the person whose name appears on the purchasing order is being given a gun. ATFD also ruled that shooting clubs providing guns and ammunition to members for use on their premises would be exempt from the dealer licensing and record keeping provisions of the Act, that shotgun shot and unprimed shells would be excluded from the definition of ammunition under the Act and therefore would not be subject to regulation, and that prior police approval for the transfer of destructive devices would not be necessary. Indicative of the tone of the hearings was the following exchange between Thurmond Shaw, Chief of the Technical Branch of ATFD's Legal Division, and NRA Secretary Frank Daniel, following Daniel's testimony recommending a number of changes in the proposed regulations:

Shaw: Mr. Daniel, I would like to address myself to your recommendations. Your first recommendation that "shot" be eliminated from the definition, we will accept that recommendation. We will also accept another recommendation that spent shotgun shells unprimed will be eliminated from the definition. Your second recommendation, substituting "shall" for "may" insofar as issuing licenses, will be accepted. Your third recommendation goes to Form 4473, eliminating the verification of identity requirement insofar as intrastate mail order shipments are concerned. We will accept that recommendation. We will eliminate the testing requirement from Section 178.26, as you recommended in

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Recommendation 5. In Recommendation 6, we will add "applicable" to describe the State or local law which we are concerned with. We will follow your Recommendation No. 7 and eliminate "prior police approval for the transfer of destructive devices." Your Recommendation No. 9, we will substitute "commerce" for the term "traffic," in Section 178.2.

Daniel: Thank you. I feel like I have a pretty good batting average. I had better quit while I am ahead.

Shaw: Of course your other recommendation will be considered.

Daniel: Thank you, sir.

There is also some doubt that the agency will continue to define "business premises" to exclude private dwellings not open to the public, a definition that was the object of much attack by the gun lobby, as were the "height, weight, and race" provisions used to identify gun purchasers on Form 4473. As the magazine *Guns & Ammo* boasted in its report on the ATFD proceedings, "With a more conservative national administration, there may well be additional changes in the regulations as they are now written."

One is struck by the variance between the final ATFD regulations and the comments of IRS Director Sheldon Cohen as he defended the original provisions at the opening of the hearings:

> "The [gun control] statutes are basically a compromise. Some Members of Congress feel that only very minimum controls over interstate commerce in firearms are needed to supplement the State laws. There are others, I think equally forceful and with a good deal of popular support, who sought to extend federal controls to include registration and licensing over firearms owners and firearms distributors. The laws we are implementing by these regulations represent a somewhat middle position. I believe they are moderate in scope and require regulations which will fully put them in effect. The will of Congress is this compromise, and to attempt to do less than the Congress indicated ought to be done is not within our power."

Apparently it *was* within the power of the gun lobby.

Paying for the High Costs of Education

A National Youth Endowment

by James Tobin and Leonard Ross

America's most precious resources, according to well-worn cliché, are the potential talents of its young men and women. Education and training to develop these talents will, it is widely agreed, pay handsome dividends. Yet we have no systematic program for financing such productive investments. Funds to finance education and training after high school are limited, and access to them is quite unequal.

Our present arrangements strongly favor the children of the affluent. Their parents can provide financial help. Their suburban homes and schools prepare them for college, and college prepares them for graduate or professional schools. The states offer them university education at a small fraction of its full cost, and tax-sheltered philanthropy subsidizes them at private institutions. If they are bright, academically oriented and in the right field (physics or economics, say, but not medicine or law, strangely enough), they may enjoy a long career of graduate and postdoctoral fellowships. Of course, these public and private subsidies are competitively available to all, and the universities have been working hard to find disadvantaged youths who can qualify for them. But universities do not have the scholarship and loan funds to make up for the poverty of the parents of potential candidates, much less to

JAMES TOBIN, *a member of the President's Council of Economic Advisers (1961-62) is Sterling professor of economics at Yale University.* LEONARD ROSS *is a Junior Fellow at Harvard.*

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remedy their disqualifying handicaps in background and schooling.

Many young people could benefit from technical or vocational education if they could afford it. At present, the vast majority of post-high school vocational students must pay their way without any form of government assistance. Thus, for the poor, secretarial school can be as inaccessible as the Ivy League. The fact is that our present arrangements for financing education beyond high school compound the inherited inequalities with which our young people grow up.

Private credit markets are no help. It is far easier to borrow money for a car or cruise than for an education. A typical young man or woman – even the student with talent and prospects – has little security to offer a commercial lender. His education may pay off handsomely over his lifetime, but in the short run it probably elevates his tastes faster than his income. Neither he nor his creditor can convert future career promise into present cash. As a result, the average student can borrow, if at all, only on his parents' credit or with government help. Today, commercial loans cover only a minor fraction of the cost of higher education. They are virtually unavailable to the student whose parents earn less than $10,000 a year, or to the student needing vocational training rather than collegiate life.

Scarce student loan funds are a problem for the nation as well as the young. The costs of higher education, according to recent projections of the Carnegie Corporation's Commission on Higher Education, will balloon 132 percent over the next nine years. Junior's summer job won't fill the gap. Unless student borrowing is increased, the older generation must come up with an additional $24 billion a year by 1976-77. But there are increasing signs that it won't. School bond issues no longer pass automatically, and taxpayer revolts menace pro-education governors. The Carnegie Commission's plan for a 16 percent annual increase in federal education spending will conflict with other budgetary claims on a Nixon Administration committed to lower taxes and higher military expenditures.

If government grants do fall short of Carnegie's targets, the financial prospects for higher education are not rosy. Public and private institutions will rely increasingly on tuition, and college will become even more of a parent-supported institution than it is today. Students from low-income families – already underrepresented by a factor of three in college enrollments – will be at a further disadvantage. Even if higher education garners its needed billions, a large fraction of America's youth will receive no post-high school training in the absence of new government programs to finance technical and vocational education.

Faced with the dismal financial prospects of higher education, more and more educators see student loans as the solution. Not the usual student loans available from commercial lenders or in the genteel loan funds of colleges and universities – these loans are too small, too short in term. The federal government, and some states, have sponsored loan programs featuring deferred payments and below-market interest rates. But these loan programs consume heavy subsidies and compete for tax funds otherwise available for scholarships. Moreover, many young people are understandably reluctant to assume heavy fixed obligations against uncertain future incomes.

A self-financing loan plan, with repayment obligations scaled to ability to pay, has been advocated by a number of educators (including Professor Milton Friedman, Yale President Kingman Brewster), the 1967 White House Panel on Educational Innovation, and the Carnegie Commission. Let the student pay for something like the full cost of his education from the higher incomes the university enables him to earn. Let his repayments be scaled to his future income over many years; the rich tycoon will pay back much more than he borrowed, the poor clergyman much less, but on average the loan fund would earn normal interest. Let these loans be available to all students.

This is a sensible proposal. On the one hand, it removes economic obstacles that now keep qualified students out of colleges and universities. On the other hand, it places more of the burden of financing higher education on the principal beneficiaries, students who are prospectively if not currently better off than most taxpayers. But the proposal is a parochial one, reflecting the natural preoccupation and meritocratic bias of the higher-educators who espouse it. It does nothing for the post-high school training of youths who do not go to college. Extended to all the nation's youth, however, the plan could, for the first time, make college or technical education universally available, much as the GI Bill of Rights did for World War II veterans.

At age 18, every youth in the nation – whatever the economic means of his parents or his earlier education – would have available from the federal government a line of credit or "endowment" of, for example, $5,000. A young man or woman could draw on this "National Youth Endowment" for authorized purposes until his twenty-eighth birthday (extensions of time could be allowed for military service or periods of social service like Peace Corps or VISTA). Authorized purposes would include not merely academic higher education, but also vocational schooling, apprenticeship, and other forms of accredited on-the-job training.

For every dollar used, the individual would assume liability for payment of extra federal income tax after he reaches age 28 (or as extended). The terms of this repayment (for example, one percent of income per $3,000 borrowed) would be set so that the average in-

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dividual would over his lifetime repay the fund in full, plus interest at the government's borrowing rate. However, the government might decide to set less stringent terms and to subsidize the endowment, using the loan program as a vehicle for general support of education beyond high school.

On these terms, Youth Endowment loans should prove attractive to students from all income groups. For the low- or middle-income youth pressed by increasing tuition and living expenses, and especially for the vocational student, a Youth Endowment loan may be the only means of financing an education. For the upper-middle class student, the chief advantage of a Youth Endowment loan would be the stretched-out repayment.

Like Social Security, the Youth Endowment would be self-financing. Of course, in the initial years outlays will exceed repayments – unlike Social Security, where the taxes preceded the benefits. The inflationary impact of these initial cash deficits would have to be neutralized somehow. This could be done by taxation. But since the Endowment is a social investment project it would be entirely appropriate to borrow the funds from private lenders. The monetary authorities would have to let the Endowment's drafts on the capital market tighten credit and raise interest rates to other borrowers, temporarily displacing other investments of lower social priority. Clearly the self-financing feature of the Endowment is a political asset; indeed even its initial cash deficits could be kept out of the federal budget by establishing the Youth Endowment as a public corporation.

A Youth Endowment program would leave the choice of schooling entirely up to the student. Borrowers could pick freely among public and private institutions (including profit-making vocational schools), rather than having to tailor their training to the changing contours of government aid programs. Their choices would redress the unbalanced emphasis that has characterized government assistance (long on support for the sciences, for academically gifted students and universities, and for experimental training programs for the hard-core unemployed; shorter shrift for the average American's 2.4 children).

Even for the higher-income families, there is something to be said for shifting the cost of education from dad to the kids. Academic degrees – especially those from expensive private schools – have cash value for the student as well as prestige payoff for the parents. It is unfair – and, as surveys make clear, unrealistic – to expect the average parent to ante $10- or $20-thousand dollars for each child's education. Yet, barring an income-repayment loan, the student can't make much of a contribution himself. At present, some parents lend their children funds for school, creating a do-it-yourself capital market which serves as a resourceful but inefficient substitute for a sound government loan program.

Preliminary estimates of repayment terms needed for a program covering only academic education suggest that a surcharge of 1/3 of one percent of income per $1,000 borrowed would suffice. Broadening the proposal to include vocational students would raise the required surcharge, and the rate would jump further if students with high income prospects disdained to participate. To hold this clientele, the program might include a feature allowing a borrower to avoid further surcharges once he has repaid the loan at a specified and abnormally high interest rate.

Some tricky problems of equity and incentive arise with respect to obligations incurred by women who subsequently marry. If they become joint obligations of husband and wife, will men shy away from girls with negative dowries? Should a woman's repayment surcharge be based only on her own income? Some pragmatic compromise can be reached; the Youth Endowment is not the only case where dilemmas of equity between married and single persons arise.

Accreditation of schools and training programs would be a major administrative chore. But much can be learned from the nation's previous comprehensive training program, the GI Bill. At first, the Bill contained virtually no safeguards. Grants were made straight to the institution, rather than to the student. The Veterans Administration had to rely on state accreditation procedures, however lax. Schools with no prior experience, with no students other than the subsidized veterans themselves, could readily qualify. These loopholes were gradually closed and today's GI Bill program involves no major difficulties of control.

Tough accreditation standards can limit the scope for waste. But, finally, the student's judgment must control. Using borrowed money should add a stroke of caution to his choice of schooling. Moreover, any Youth Endowment program should be coupled with increased counseling services to help inform the borrowers' choice.

Among the accredited programs would, of course, be many of the manpower training activities set up by the Department of Labor and the Office of Economic Opportunity, or with their help, as part of the war on poverty. But the recruiting procedures would be reversed, and access to these opportunities, now haphazard and unequal, would be equalized. Now the government gives the money to the program, and the program seeks out and selects the students. Some youths, by luck and location, get in; indeed they may have repeated opportunities. Others have none, and no compensatory help to go elsewhere either. Under the Endowment, one youth would have, over the course of his career, the same line of credit as another. And gov-

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ernment-sponsored programs would have to compete for student favor with other accredited programs. Aiding the customer, the student, rather than the seller, the institution, has already proved to be the best way to dispense national scholarship and fellowship funds.

On-the-job training programs pose a special risk. Often they have served as a subsidy to employers for jobs involving no real training. Even where some training takes place, it might have been granted in the absence of subsidy by an employer facing a tight labor market. To conserve Youth Endowment funds, on-the-job training should be accredited only upon rigorous evidence that the job offers instruction rather than simply accumulated experience, and that the industry does not normally provide the same lessons free. Similar standards are already being applied to some apprenticeship programs.

Political objections to the Endowment are more of an obstacle than these administrative problems. The major trouble is cost. Every year 3.5 million people become 18 years old and, under the proposal, they would acquire in the aggregate drawing rights of $17.5 billion. Although not everyone will claim his endowment, and although the Endowment is outside the budget, Congress may be hesitant to begin the program at full volume. A more modest pilot proposal might confine loans to vocational and professional school students, concentrating on groups whose education contributes most immediately to their income. Current government aid programs are least favorable to these groups; and the income range of the borrowers would be sufficiently wide to gauge the appeal of a more comprehensive program.

Other possible limitations of the program's scale are less attractive. A means test would sacrifice the simple appeal of universality and the political support of middle- and upper-middle income groups, while abandoning the most lucrative loan prospects. Alternatively, Endowment loans could be limited to states or institutions supplying matching funds; but this would aid only students who might otherwise receive help from nonfederal sources. (Several Ivy League universities are considering on their own an income-contingent-repayment loan plan.)

A major political objection to the plan is that it might siphon funds from other government aid programs. The National Association of Land Grant Colleges (an organization of state universities) has expressed concern that an income-repayment loan scheme might come to be regarded as a panacea for educational finance. Public as well as private institutions could then let tuition soar. Indeed, lacking other resources, they would have to impose full fare on students' future earnings. As the Association points out, higher education has social as well as private benefits; there is still a good case for subsidies and scholarships, for the gifted and for the poor, and particularly for the gifted poor.

These fears are probably exaggerated. Since it could be financed entirely by bond sales of a government corporation, the Endowment would not offer direct budgetary competition for other educational appropriations. Moreover, much existing aid is earmarked for purposes with their own powerful constituencies – for example, science education and state universities. But most persuasively, the cost of university education in the next decade will rise far beyond the ability of a universal loan program to finance. So long as the loan program makes the same line of credit available to all, it can never offer enough to finance college and graduate education completely. At present, that would require a potential loan fund of $25,000 per youth, or $87.5 billion. And, so long as the Endowment falls well short of this level, the need and political support for subsidizing academic education will persist.

The Endowment is a comprehensive, equitable, simple, and far-reaching scheme for financing education beyond the high school for all segments of American youth. It is hard to locate it in the usual ideological and political spectrum. It can appeal to Republicans and Democrats, conservatives and liberals, old and young, rich and poor, black and white; it is well adapted to the present mood of the country.

"You say your son hopes to enter the university some day? So do I, madam – so do I."

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Stanley Kauffmann on films

Lola Montes

Brandon Films

Max Ophuls' *Lola Montes* was made in 1955, in France and Bavaria, and, except for some festival showings, is now seen here for the first time in unmutilated form. (A butchered, dubbed version was released in 1959.) This is an important event both because of what the film is and is not, and because of what it crystallizes in critical approaches.

Lola Montes was Ophuls' last work; he died in 1957. He was a German Jew, born Max Oppenheimer, who changed his name because his family objected to his becoming an actor. By the time he was 22, in 1924, he had become a theater director and by 1930 is said to have directed almost two hundred productions, including some work at the Burgtheater in Vienna. He began directing films in 1930 and, for obvious reasons, began directing elsewhere in 1932 – France, Italy, Holland, Switzerland. By 1941 he was in Hollywood but did not get his first American job until 1946. He made four pictures in the US; probably the best known is *Letter from an Unknown Woman*. He returned to France in 1949 and made four more pictures. Preceding *Lola Montes* were *La Ronde*, *Le Plaisir*, and *The Earrings of Madame de. . . .*

Some critics consider *Lola Montes* to be "the greatest film of all time." To say that I disagree is not merely to quibble with the phrase "all time" as applied to a 75-year-old art; not merely to deplore the facileness with which the accolade of greatness, in all three degrees, is broadcast in film criticism; it is to differ thoroughly and fundamentally about the means and potentials of film. Some *Lola*-lovers concur about some of the flaws I'll describe; but they give different weight to those flaws. That is the heart of the argument.

The film tells the story – a version of it, anyway – of the famous 19th-century dancer-courtesan. It begins with the older Lola, playing in a circus in New Orleans. She sits in the center of the ring, as the ringmaster narrates her life, and the bulk of the film is in flashback. We see the end of her affair with Franz Liszt, her (earlier) marriage to her mother's lover, some other embroilments, and her affair with King Ludwig of Bavaria. Throughout, we keep returning to the circus, and it ends there, with people streaming forward to pay a dollar to kiss the hand of Lola, seated in a cage. Thus the structure is cyclical. The cyclical had always appealed to Ophuls: the idea and very title of *La Ronde* (made from Schnitzler's *Reigen*); the reappearance of the earrings in *Madame de . . .*; the recurrence of the lover in *Letter from an Unknown Woman*. In *Lola* the circus ring itself underscores the cyclical motif.

From first moment to last, *Lola Montes* is treasure for the eye, abundant, exciting in its abundance, rich in what Ophuls includes and in the way he handles it. The first things we see are two gorgeous chandeliers descending from a height. (Suggested to Ophuls by the Josefstadt Theater in Vienna?) The chandeliers pass a circus band whose leader is in Uncle Sam costume; and the camera, ever moving, then picks up the ringmaster as he enters. He walks past a multi-leveled swirl of activity to the center of the ring, in front of two parallel lines of girls who proceed to juggle ninepins and comment in chorus on the tale the ringmaster is telling in flamboyant style. Soon Lola makes her entrance in a gorgeous carriage and is borne to the center. All this to a counterpoint of changing lights and bizarre costumes. (The film is in color and Cinemascope.) The effect – of glittering chaos falling marvelously into order – is precisely the same as in the opera-house sequence of *Citizen Kane* and for the same reason, I would guess: both Ophuls and Welles had large theatrical experience. The changes of light within a scene – dimmings, swellings, pinpointings, falls of color – and the knowing use of *entrances*, these are marks of stage experience.

The most noted hallmark of Ophuls' film style is his moving camera and his cuts from one moving shot to another. Here in the beginning it is used to create a sense of overture, partly by the way the camera grandly ignores the richness of what is happening behind or in passing. The combination of swirl and prodigality promise us largesse: we needn't bother about that dwarf or those splendid horses or that bevy of girls; a great deal is going to spill on the screen.

And it does spill. This is not a matter of purchased Hollywood extravagance. It is Ophuls' gift for selecting the right element of decor, like the low Gothic arch in Liszt's room; for layering every scene with planes of detail ("Details make art," he said) so that the characters are always moving through a world that just happens to be telling us something relevant or characteristic about itself at the moment they pass. Examples: the hens roosting all the way up the narrow inn steps; the maimed soldier in Ludwig's castle, past whom the servants have to run when they are on a trifling errand for the king in whose service this man lost his leg; the clown, with whom Lola's doctor waits, who has the voice and demeanor of a prime minister. And, always, these excellent touches are *ignored*.

The visual virtuosity is also in what is done, as well as in what is included: Lieutenant James chasing Lola criss-cross through the descending galleries of the theater; the rope that swings from the stage-flies in the foreground as, behind it, Ludwig expresses interest in Lola; the students running toward us down a long ramp to meet Lola's carriage at an angle near the camera; the very last shot in which the camera pulls back over the hordes advancing on Lola until we are far from her. No fadeout; in the theatrical vein of the film, the curtains close.

All this is superb. There is not a flaw in the *mise en scène*, not a dull frame for the eye. (Well, one reservation: Ophuls either detested or feared Cinemascope and, in some intimate scenes, he puts arbitrary shadows at the edges to narrow the picture.) But after it's all over – before then – we are faced with the Chesterton comment. The first time G. K. Chesterton walked down Broadway at night past the flashing electric advertisements, he said, "What a wonderful experience this must be for someone who can't read." In the case of *Lola*, one might add: or for those who want to pretend they can't – figuratively – read.

For the script of *Lola* is just one more teary version of the Prostitute with the Heart of Gold, the whore ennobled by whoring, whom all her friends adore. The matters that made the real Lola an extraordinary woman are omitted completely; we are given only the pic-

(Continued on page 32)

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Richard Gilman: Susan Sontag and the Question of the New

Styles of Radical Will by Susan Sontag

(Farrar, Straus & Giroux; $5.95)

Although it knows how to simulate an independent life, criticism is obviously not an autonomous activity. Called into being by art, it has to answer to art, which means to do the tasks, of illuminating, locating and making connections, that have been set up by art's continual establishment of new forms. In one sense criticism is the annals of artistic movement, debt, change, crisis and new impulse. But criticism is also answerable to the world beyond the esthetic, and this has meant that it has included among its functions a speculative activity designed to make art itself answerable to life.

There has always been a kind of criticism that has made sketches of the relationships between formal art and informal consciousness, sketches based not only on knowledge of esthetic history but also on perceptions and intuitions about the general culture, the state of thinking and feeling and experience outside the technically esthetic. At its best, which means when it takes up a celebratory function as well as an analytic one, this sort of criticism is a form of continuing, engaged, philosophically informed esthetic thinking. Its proposals are these: to be able to discern what actually is coming to be born, to distinguish it from the still-born, to welcome it, extend it its validations in public consciousness and, most basic and necessary assistance, make room for it by pushing aside, metaphorically at least, what in the form of dead bodies has been taking up all the space.

This species of thinking and writing has been much more prevalent and developed in France than it has ever been here, and much more honored. American critics have rarely possessed any substantial philosophical power or interest (Edmund Wilson accomplished important things without having had any such power or interest at all, but would have been more important, I think, if he had had some) and have shied away from metaphysics as from a contagion.

That Susan Sontag is philosophically oriented and has something of a metaphysical impulse to her thinking (although she would undoubtedly reject the word vehemently) is among the reasons why I think her one of the most interesting and valuable critics we possess, a writer from whom it's continually possible to learn, even when you're most dissatisfied with what she's saying, or perhaps especially at those times. For the past several years she has been the chief voice in America of one main tradition of French criticism, which is one of the reasons, I'm convinced, why she is disliked, where she's disliked, with such ferocity and xenophobic scorn.

I have been using the words "critic" and "criticism." But if Miss Sontag has accomplished nothing else, she has made us aware of a growing inutility and regressive principle in our use of these santified words. When she said in the preface to her first book of essays and reviews that "what I have been writing is not criticism at all, strictly speaking, but case studies for an esthetic, a theory of my own sensibility," the remark was thrown out as an afterthought, a footnote, whereas it ought to be front and center, the motto for everything she has done. (And that would include the journal of her recent visit to North Vietnam, reprinted in this new collection.)

The point isn't that there is criticism, neat, familiar, unquestionable as a procedure, and then there is what Miss Sontag does, odd, peripheral although maybe useful; but that what she has been doing, or attempting, is more interesting and more relevant to what is going on than is most traditional criticism. (At least, on a pragmatic test, I don't know of any critic more interesting or more relevant.)

Her sensibility departs from that of the traditional literary critic in that she is very little interested in, or at least in writing about, fiction (except as it enters extreme modes, as in pornography) and seems to care nothing at all about poetry. (She is interested in drama, but is not a very good, or at any rate not a very sophisticated drama critic, since she continually announces as discoveries of her own what has been understood in drama criticism for a long time: the supercession of naturalism, the shift in concepts of character, the necessity to get past psychology, etc.) But she differs, too, from the traditional critic of general culture in that she is deeply involved in esthetic awareness. We might call her a critic of ideas, except that she has always wished to treat ideas sensuously, esthetically, or decide that she is a philosopher of cultural forms, except that philosophy for her has always been a drama rather than a method.

The truth is that Miss Sontag ought not to be examined under the prevailing American definitions of the literary or cultural critic, any more than the esthetic developments she has been talking about ought to be examined under the rubrics of the criticisms traditional in their realms. Ever since the New Criticism, its mission accomplished and its effects guaranteed, receded into history, we have been unable in America to come near agreeing on what esthetic intelligence is, although this kind of intelligence is surely what we should want to mean when we speak of criticism at all; and it is this kind that Miss Sontag possesses.

By esthetic intelligence I mean a kind which is not that of the scientist or poet but partakes of both; it is that particular kind of informed but open and intuitive consciousness needed to think and talk about what *has not yet been talked about* because it has just now become present, in the form of increment and augmentation of consciousness itself. A faculty that has to

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come to grips not so much with experience as with what we have to call the experience of experience – since that's what works of art have to do with – it has for the most part in America been propelled and sustained by our Western impulse toward greater and more precise knowledge, and especially knowledge of an immediately useful kind. Much criticism stemming from esthetic intelligence so motivated has had the effect of turning art back into extra-esthetic forms of knowledge.

But the esthetic intelligence is finding it harder to be so motivated and sustained. Like the self in so many other regions, the consciousness addressing itself to art through critical thinking has come, for better or worse, to be increasingly dissatisfied with an operation from outside, with labor across a distance separating viewer, or interrogator, and object. And it has come to be dissatisfied with knowledge as an end in itself. For better or worse: at one end the painful intrusions into thought of the troubled selves of critics like the *Village Voice*'s; but at the other, the theories of John Cage or Buckminster Fuller, the writings of Harold Rosenberg and, sometimes, of Susan Sontag.

The New Criticism, with its explorations in the interior and stress upon structure and formal reality, supported the existence of works of art as independent sources of new, esthetic meaning; and this was immensely useful as a counter-blow to the traditions of exegesis and explanation in terms of already known realities – political, moral, psychological, sociological – that dominated American criticism at the time and dominate it still in its academic and journalistic sectors. But the New Criticism, by concentrating on internal esthetic purposes and their workings-out, had the effect of turning literary and, by extension, other artistic works into models of perception and of esthetic experience in general, at some cost to their status as unique, particular and sensuous actualities.

The alarm that many people feel at the approach of Susan Sontag, the distaste, resentment and even fury she causes, has, it seems to me, two bases, both of them related to what I have been saying about esthetic independence or contingency. The cruder one is moral and "humanistic." She has been accused of being inhuman or anti-human for ignoring moral and spiritual elements in art, or rather for sanctioning and encouraging the immoral, pornography or camp, for example, violence or extravagance. To this the only answer is that no material, or data, or subject or, for that matter, mood in the esthetic realm has anything to do with being sanctioned or deplored, needs validation or, in short, lies in the moral universe at all. When Henry James said that the only immorality he had ever seen on the stage was the production of a bad play, he told us tersely about the way morality figures in the life of forms. The moral charge against Miss Sontag, which is mainly a charge against the kinds of art she has been interested in, issues from the same morale such charges always do: apprehension in the face of new consciousness.

Beyond this, Miss Sontag has marched, aggressively and with her great bristling apparatus of learning (an erudition at least as much philosophical and psychological as literary or technically esthetic), pointing every which way but most dangerously at certain processes of literary erudition itself, into some sacred realms, to the consternation of their guardians. At the least newcomers are expected to observe the rules. And one of the chief rules is that criticism is a province of the dispassionate (and fact-finding) intellect, which it is designed to serve and, so to speak, to fill out.

But Miss Sontag, it seems, would like to fill out the body or, at any rate, the whole man, to return the intellectual side – especially the hermeneutic side – of esthetic experience to a subordinate place. When she wrote, as the coda to one of her most famous essays, that "in place of hermeneutics, we need an erotics of art," she drove many persons nearly wild with misapprehension: that what she meant amounted to a new barbarism, a new species of self-indulgence, a relinquishment of the hard-won rationality through which we have steadily mastered art and myth in order to put them into the service of civilized being, of "culture." What she meant, of course, was a new appreciation, a new agreement on mystery, a new delight.

She hasn't always meant it convincingly, it's true, or, to speak more plainly, she hasn't always demonstrated that mystery and delight are what she herself experiences. It is surely a notable fact about Miss Sontag's sensibility – her "subject" and the principle of her shift in critical method – that it so often strikes you as cold, even icy. This is the irony, detected by many, of her demand for an erotics of art. But to be caught in an irony of this kind has nothing to do with being inhuman; writers, more than most humans, are situated between what they are and what they hope it's possible to be. Nor is it a matter of any classical inability to "feel," and attempts to discredit her on this ground (like attempts to discredit her extremely interesting, and much misunderstood, fiction for being overburdened with thought, loaded with strategy instead of life) are obtuse and unjust.

For the problem of her sensibility is also the generating power of its interest and importance for us as she exemplifies and tests and expounds and shapes it into form in her writing. It is precisely classical ability to feel which, as it works itself out in our shibboleths and humanistic myths, means to feel *the way others have*, to feel certain emotions (in certain ways) that have been sanctified as properly human and necessary, that has come into question. One of the chief resistances put up by new literature, or new art of any kind, is to being told how and what to feel. Academic resistance to the new, on the other hand, is a balking at the notion that we don't already know and haven't already worked out the proper forms.

Susan Sontag has been engaged in trying to plot the course of her new feelings, which is to say her responses as a representative advanced consciousness. (She *is* advanced; would we want her laggard?) In doing this she has indicated all the debilities and irresolutions and compensatory aggressions and contradictions that are inevitable in consciousness in transition. The chief content of that transition now is the challenge to Western literary culture, or rather to the supremacy of literature *as* culture; the growing breakdown of the erstwhile separation between art and audience or, more strictly, between art as object for contemplation and as material for reabsorption into total experience; the claim of bodily experience to a place in esthetics; the more insistent relationship between politics and sensibility. These are Miss Sontag's themes; and she is the victim of their assaults, in their status as realities, upon our prepara-

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tion, training, inheritance and need for continuity – on *what we were like before* – as much as she is their elucidator and master in awareness.

What we were like before, which is to say what our models were like for the fullest, most exemplary, victoriously sentient civilized beings, was learned, complex, ironic, intellectually armored, central, balanced, full of explanation and the wisdom of the abstract. Miss Sontag is still many of these things, and the discrepancy between them and wanting to be something else, something spontaneous, concrete, sensual, ready for extremes and wise through physicality, is the failure and the fruitfulness of her writing.

To take an important essay from the new volume, "The Pornographic Imagination." In this long, dazzlingly learned, risky piece of advocacy and interrogation, she illustrates the perennial problem of how to argue for the rights of the body and the more dangerous passions without having to rely on the intellect, calling on it, moreover, for every subtle power and all sheer logical force, mustering ideas in order to get beyond them. The effect of this has habitually been to raise a new intellectual structure for exactly what the mind has determined it should no longer coercively house, to present a logic for illogical necessity.

One way of dealing with this problem is to write sensually, to evoke rather than rest on analysis, and this is characteristic of the French writers Miss Sontag admires for their writing on the erotic – Bataille is chief among them – although I don't mean to suggest that they are pure lyricists in whom analysis plays no part. But what they can do, as she has so far been unable to, is offer the feeling of the erotic, as actuality and consciousness, in all its ardor, despair, questionableness, contradiction and urgency, instead of merely a learned process of thinking about it.

But Miss Sontag is of course not French, and if this essay suffers from her coldness of temperament and almost complete lack of any lyric impulse, what's in its favor is the fact that lyrical writing about the erotic so rarely in this country is saved by intelligence from being sheer sentiment, romantic asseveration or rhetorical wish-fulfillment. Her piece is full of an extraordinary intelligence, which sets as its tasks, first the establishment of the theoretical possibility that pornography may indeed be literature and second that there are certain pornographic works that actually are.

She is rather better on the first task than in the second, but she's continually interesting on both. To argue, cleanly and decisively as she does that the main sophisticated counts against pornography as literature have to do with retrograde and obtruse identifications of fiction with verisimilitude, psychological realism and narrative logic, is to say what needs saying – about fiction as well as pornography that uses the form. Here is Miss Sontag with her strong, complex intelligence focused on the new, as it has to do with altered conceptions of fiction. She insists, with absolute rightness, that fiction is not to be defined by considerations of character-building, psychological complexity or centrality of theme, so that in its narrowness, obsession, extremity of theme and refusal of ordinary characterization, pornographic writing may still qualify as literature.

She then goes on to discuss a number of what she calls pornographic works, chiefly "The Story of O," "The Image" by the psuedonymous Jan de Berg, and Bataille's "The Story of the Eye." She is very good on them, even if she rates "The Image" much too highly, but the strength is analytic and very little is conveyed of how these erotic writings actually reach and move the imagination, or why they should have a place there. And something else very curious emerges. I have been going along with her in calling a whole class of books "pornography," but a distinction should really be made, and Miss Sontag inadvertantly provides one.

The books mentioned above and others she cites are distinguished from what we ordinarily call pornography precisely by their relative lack of explicit sexual scenes, certainly by their lack of sexual scenes composed as hermetic and single-minded substitutions for any other kind of experience, and by their correspondingly greater content of writing of an imaginatively freer and more complex kind. It isn't that they are less erotic; if anything, the books she admires have greater erotic power than ordinary pornography, but this is because of their greater literary power.

The result of all this is that they cannot be taken as representative of pornographic writing, which remains, as long as it *is* pornography, bad writing. What Miss Sontag fails to see is that she ends by defending not pornography but only such examples of writing with a sexual theme or even a sexual purpose (she defends, with much justice, the legitimacy of "arousing" through writing) as have shaken loose from the undifferentiated mass of such writing precisely through the greater literary strength and concern of their authors. I think it useful to retain "pornography" as a term (without moral condemnation) to denote sexual writing that fails as literature; that which succeeds doesn't need a defense, except perhaps against the kinds of minds Miss Sontag so admirably takes on in her remarks on the petrifaction of definitions of fiction.

"I have been writing . . . a theory of

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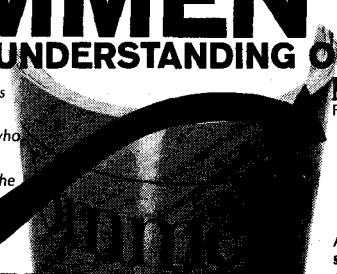

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assesses, from his perspective as Under Secretary of State

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my own sensibility." With this avowal as justification, I would like to point out that from both the new essay on pornography and Miss Sontag's earlier famous one on Camp there rises an aura of will, or willfulness, a wish that something be true, an unavowed prescriptive desire. There is nothing wrong with this, there is even I suspect something extremely useful in it, but it hasn't been seen. For all the brilliance of these pieces and their true extensions of our awareness, they reveal, as most of her other writing does, how beneath the clean-functioning, superbly armed processes of her thought exists a confused, importunate, scarcely acknowledged desire that culture, the culture she knows so much about, be other than it is, in order for her to be other than she is.

When she writes that Camp is "loving" and "tender" the wish she is trying to fulfill is for the sophistication that Camp possesses and denotes to be redeemed from its quality as modern sophistication: hard, snobbish, ugly, ungenerous, a means of establishing superiority over the past and over simplicity. When she writes about pornography without attention to its narrowing and unliberating effects, she reveals how her authentic and justifiable longing for bodily liberation, her longing to lighten her own burden of consciousness, mistakes the statement for the thing. One can say that pornography is always wish-fulfillment (nothing inherently wrong with that), but the important thing about this, in her usage, is that it is not so much a wish for erotic experience as a negative desire for eroticism – as subject and atmosphere – to overcome the imbalance of a heavy, weighted, complex, abstract history, the history of the mind as it has offered itself to us as identical with life itself.

I think Miss Sontag is representative in this, and that her own so impressive qualities of mind make her more representative rather than less. And I also think, after reading this new collection, that she is moving into areas where the "problem" of her sensibility, its transitional quality and status as an arena where new movements are seen and tested at least partly from old perspectives and where culture is being redirected from contemplation to action, will have even more usefulness than it has had. Her talking less and less about literature and more and more about films (the new book contains only one "literary" piece, that on pornography, but three on film, including a masterly long study and appreciation of Godard, the best I know of) seems wholly in coherence with her strengths and interests.

It isn't a matter of any "death" of the novel or of a decline of verbal art in general; these things may be happening, but emphases on film as "truer" or more contemporary art don't prove it. The point here is that whatever is happening to fiction, the newer status of film as an art means that the questions it poses are exciting, immediate and full of possible connections with the general culture. More than this, film is an art cutting more deeply into "actuality," trafficking more directly with life than fiction does and, in fact, taking over some of the functions fiction at one time was made to fulfill. (My own opinion is that fiction is better off stripped of its burden of "information," of portraiture and sense of actuality; denuded in this way, it can begin to be, as it is doing here and there, more purely verbal artifact and imaginative increment.)

Another point: film is a central part of our new visual and aural culture, which itself isn't necessarily proof of an overthrow of literature but may be a matter of a restoration of balance. In any case, Miss Sontag's sensibility is much more attuned to the new visual and aural culture than to the older literary one; she is much better able to detect the new and write with force and originality about it in the area of films than in literature or drama. (This is a relative judgment; I haven't meant to imply that she is not continuously useful and illuminative in everything she turns to, but only that as a writer on films, where her general esthetic ideas can get stronger and deeper purchase on materials, she is at her best.)

I spoke before of the new more intimate and pressing relationship between politics and sensibilty. While Miss Sontag has never been apolitical, she has admitted that she hasn't been able to find the way for her political passions and awarenesses to enter her work on culture and esthetics. The account of her trip to North Vietnam last year, "Trip to Hanoi," the major piece in her new book, seems to me to be a sign of a newfound ability to do just

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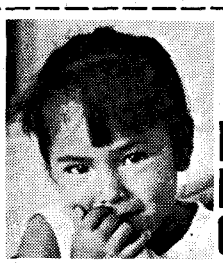
that, as well as being a remarkable document in its own right.

Miss Sontag went on her journey, as a guest of the North Vietnamese, convinced that "unless I could effect in myself some change of awareness, of consciousness, it would scarcely matter that I'd actually been in Vietnam." At first she found the country and the culture alien, impenetrable, marked by what she regarded as a boring and "fairy-tale" simplicity. Her whole weight of Western complexity and psychological subtlety militated against her understanding and possible affection for the North Vietnamese. How she was able to effect the change in consciousness she knew she had to have, so that she emerged with the sense of different possibilities of life, a potential way out of self-consciousness, guilt, moral ambiguity and the ironic stance that has been the Western intellectuals chief weapon of both aggression and defense – all this is what the essay is about. And by being about these things, it is more centrally, refulgently and authentically about mind, consciousness, sensibility – and what is new in them – than any of the technical, analytic pieces whose bravura and cold knowledgeability have gained her her reputation.



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Morris Dickstein: Flight Into Symbolism

What I'm Going to Do, I Think by L. Woiwode

(Farrar, Straus and Giroux; $5.95)

After bleak years as an academic text, the work of Joyce is influencing writing again – not merely books like *A Clockwork Orange*, whose arid, clever word-inventions recall the schoolman's Joyce, but also the best American novels of the 1960's. The grandiose and patterned metacomedies of Pynchon, Barth, Heller, Barthelme and Terry Southern, whose surfaces crackle with verbal energy and surreal detail, have revived for the first time since the war Joyce's vein of formal self-consciousness and experimentation.

It is a colorful scene, and a young writer deliberately out of touch with it might well go unnoticed. L. Woiwode has written an oddly old-fashioned first novel, so '50ish in its restraint and realism, so austere in its interest in people rather than ideas, that it points to a genuine gap in our current fiction. Despite the diversity of individual vision among younger novelists today, their books contain surprisingly few individuals; Yossarian, Guy Grand, Oedipa Maas are ingenious mythic creations rather than people. Woiwode's book is Lawrentian rather than Joycean in its insistence on private experience and personal emotion. Its story can be summarized in words so trite they are revealing: boy meets girl, boy marries (pregnant) girl, girl loses baby, marriage turns hollow. But the book is even simpler than this précis indicates, for none of these things occurs within its proper time-span. The first two are told early in flashback, the third in a one-paragraph "Coda" near the end, and the last is made explicit only in an epilogue set five years later.

In short the novel has almost no plot and but two significant characters, and its main body is confined to their extended honeymoon in a sequestered Michigan lodge. The great world that once nourished realistic fiction is drastically excluded, and there are few events besides internal ones. Yet the book has a honed-down, understated quality that enables it to avoid both solipsism and sentimentality; this is not the typical first novel of a young man taking his own pulse. Though closed off from society the book opens outward toward the natural landscape to become less claustral and emotive. Woiwode not only has a feeling for nature recalling Lawrence and Roethke (who provides an epigraph), but has acquired Lawrence's knack of using natural detail for an oblique notation of personal feeling.

Such displacement and the amount of description it entails give the book a peculiar atmosphere at once lyrical and matter-of-fact. Woiwode's masters are poets, though his language is spare

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and prosaic. (The book is foolishly burdened with portentous epigraphs from Blake, Roethke and the Francesca canto of the *Inferno*.) His gifts are lyrical rather than narrative. He tells a story well, but not as well as he evokes moods and sounds the emotional tone of situations. But the situations are static and don't fully interlock; the characters unfold rather than develop. The coda and epilogue, which take the plot forward, seem somewhat fraudulent, for they simulate a development which the novel has not managed to dramatize.

Something of the same narrative shakiness mars the first third of the novel, where Woiwode fills in background, manipulates details for later significance, and falls into a pointless montage of past and present. Such formal complications, second nature to our new Joyceans, seem mechanical and imitative in Woiwode's hands. The book only comes into its own when it shrinks down to the utter simplicity, the pure present, of the honeymoon. In this larger part of the novel the prose becomes limpid and precise. There are comic interludes, beautifully in character, such as a haying ordeal with a local farmer in which the young man tries desperately to prove himself. Except for the love scenes, which lack a creative touch, the whole atmosphere of the couple's life together has a dramatic rightness which brings to mind the great honeymoon sequence in *The Rainbow*.

We inhabit two people as they learn to inhabit each other and be comfortable with themselves. The girl Ellen, afflicted with a shapeless horror associated with the early death of her parents and the brutality of her domineering grandparents, begins to come out of herself and accept both the love offered to her and the baby within her. Chris, her husband, though full of personal uncertainty – the book's title is here to the point – at first thrives on their deepening joy and knowledge of each other. Gradually his sense of inadequacy reasserts itself. Her spontaneity, which he has liberated, comes to threaten him. In dealing with the world at large he is "pinned like a fly by his desire not to offend." With her he is tormented by what he cannot control: her moods, her past, the baby, the birds and animals for which she feels an instinctive affinity.

Eventually he buys a gun, which be-

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comes both an outlet for his repressed agression and his one instrument of certainty and control. He begins to kill the creatures she loves, and finally kills their love for each other. When this has happened, their baby, symbolically the remnant of their earlier passion, is born prematurely and dies. Somehow they never have another. In the epilogue he plays with the notion of killing himself as well, but instead, in the last sentence, fires his bullet out over the blank surface of the lake, meekly accepting the slower death of an empty marriage and a stunted spirit.

This is a faithful summary, but it is interpretive, and clearer than the novel itself. The novel remains eloquent as it turns from the celebration of a relationship to a study in isolation, but even as we are moved we feel more and more in the dark. Chris begins to disintegrate and becomes obsessed with the mystery of his own character, but he is almost as mysterious to us as to himself. The transition is weak and, as if by compensation, Woiwode freights the narrative with symbolism, to enforce tenuous meanings. The gun works well enough, for the character himself is externalizing impulses he is unable to confront, but the symbolic birds and animals and the disastrously symbolic baby damage our credence in these people and their world. Like much else in the last pages of the book, this flight into symbolism shows us that a finely talented novelist has not completely done his work.

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Correspondence

Whose University

Sirs:

Michael Miles is either illiterate or mendacious. In the article, "Whose University" (April 12), he attributes to me, in my article in *The Public Interest* on Columbia, a conspiracy theory of SDS action. The intention and design of the essay was exactly the opposite: to try to show the volatility of student behavior in fevered situations.

On the first page of the essay, I wrote: "The administration itself attributes these events to the organized efforts of a small cadre of the SDS that was able, successfully, to manipulate a larger body of students who had been politically disoriented by the war in Vietnam." And I commented, in the next paragraph, that I regarded this as a "half truth." And I wrote, further:

> "The administration above all failed to understand the *dynamics* of the student protest: that whatever reason there may have been for early police action, when the buildings were seized by the hard-core SDS members, the subsequent surge of political support on the part of 500 other students – most of them liberal, moderate, pacifist, and not members of SDS – effectively changed the *political* character of the situation. The failure to make the necessary distinction between these students and SDS, and thus to understand that these students were not wreckers but were trying to express their inchoate grievances against the university, permitted the SDS to call the tune – which, in the five crucial days of the occupation of the buildings, it did."

That the SDS manipulated the strikers in many of the buildings is not my charge but those of dozens of persons who were involved. Recriminations have filled the campus since, particularly the fact that the SDS caucus in strike central outside the buildings willfully did not pass along to other buildings statements issued by communes which went against its strategy. This has been discussed by Rusty Eisenberg in her long article in the magazine of the Graduate Student Union of Columbia, by David Osher in the pacifist magazine, WIN, and also repeated by Paul Goodman in an article in The New York *Times* Sunday magazine.

Mr. Miles' reading of my essay is grotesque. I would be sorry if this is a reflection of the intelligence or morality of those on "the other side of the fence."

Daniel Bell
New York City

In reply . . .

A theory of elite manipulation is *not* incompatible with "volatility of student behavior in a fevered situation," with the occurence of chance events, or with the absence of prior planning. All that is required is that the "dynamics of the student protest" leave the hypothetical elite in effective control of a large following at the fully ripened political moment and that it exploit its advantage. According to Daniel Bell in his letter and *Public Interest* (Fall, '68) article, the "hard-core SDS members" first seized Low Library and subsequently 500 other students – "most of them liberal, moderate, pacifist, and not members of SDS" – followed SDS into the buildings. Under the conditions of occupation, "participatory democracy . . . quickly gave way to cadre organization and manipulation" by SDS which, it turns out, was "increasingly dominated by a Maoist faction." As a result of the "contagion phenomenon" ("so graphically described" by Gustave LeBon) that is typical of such situations, the followers underwent a "conversion experience" to the radical faith, placing them at the disposal of the leadership. This is a theory of elite manipulation.

By this logic, successful manipulation by the radical elite can be de-

Notes on Contributors

MORRIS DICKSTEIN *teaches English at Columbia University, and is at work on a book on Keats.*

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flected only if the "dynamics of the protest" can be altered – namely, the rigid administrative response that "permitted SDS to call the tune." To this end, Daniel Bell was instrumental in the efforts of the Ad Hoc Faculty Group at Columbia, which cast itself not only in the role of a mediator but of a "third force." The AHFG's objectives were, first, to prevent the use of police force, which would have mobilized additional thousands of students for the radical cause and, second, to split the "moderate" and "liberal" students who "were not wreckers" from the "hard core SDS members" by means of minimal concessions.

The Ad Hoc Faculty Group's efforts failed for the same reasons Bell's explanations fail. It was not "hard core SDS members" (it is comic to speak of hard core SDS members) who seized the first buildings but a group of 250 people which could have included (in the unlikely event that all SDS members were present) no more than 75 SDSers. The "subsequent surge" of 500 other students (a low, low estimate) did *not* consist of liberals, moderates, and pacifists. "Moderates" do not occupy buildings. At Columbia, a few pacifists and some liberals accompanied a much larger number of radical students into the buildings. Any so-called "conversion experience" once inside the buildings is impotent to persuade people to cross the threshold; for that, radical convictions are required. The thrust of Bell's thinking is to deny the evidence of his senses – the presence of a radical *movement*, not a hard core, on major university campuses, which generally varies between 5 and 15 percent of the student population and thus can number several thousand students *before* the "radicalizing" experience of a campus rebellion.

In his article, Bell rests his case for SDS manipulation on the failure of the steering committee to circulate to other occupied buildings a proposal, originating in Fayerweather Hall, which would have substituted a demand for equal punishment of all participants for the original demand of amnesty. This proposition was also part of the AHFG's package, and Bell obviously believes that this was a case of the "liberal" and "moderates" interested in compromise being manipulated by an SDS which was intent on a police repression. But the Fayerweather representative who argued the proposal at the steering committee was herself an SDS member. It was supported by Fayerweather not because people believed it was the basis for a compromise but because a demand for "amnesty" was considered absurd on radical principles. The Fayerweather occupants believed the administration would reject the equal punishment principle in any case, and also favored adding several more demands to the original six which, they believed, would have placed a compromise settlement even further out of reach. A police bust was considered inevitable. My sources for this interpretation of Fayerweather are personal conversations with two Fayerweather occupants whom Bell cites in his letter: David Osher and Rusty Eisenberg. They have concluded that the supposedly "moderate" Fayerweather was not particularly moderate. In sum, the distinction between the hard core SDSers and the moderates in the buildings, on which Bell rested his argument and the AHFG its policy, is imaginary.

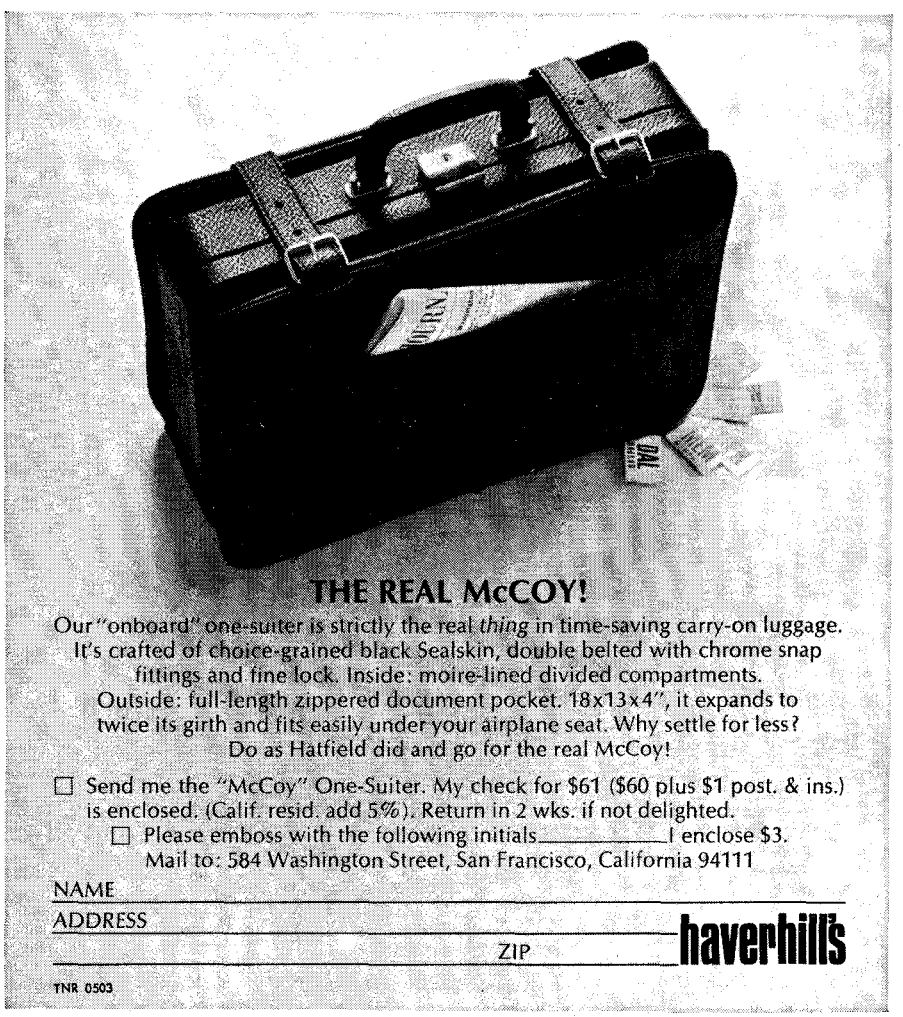
Michael Miles

Interpreting Marcuse

Sirs:

Someone ought to inform Kenneth Boulding that his presumption to treat Marcuse, lightly, dismissing him as something of a *naïf*, in a few hundred words, (*NR*, March 29), is intellectually disgraceful and morally absurd.

Take, for example, this line of Boulding's piece: "It would be easy to make fun of Marcuse's 'liberation,' for it seems to be liberation from soap, from fathers, from work, from the beastly world of productivity and exchange." Now this might seem very impressive to someone who is totally unfamiliar with Marcuse's work itself, but to a more informed reader it merely betrays Mr. Boulding's inadequacies, at least where Marcuse is concerned. For one thing, it takes for granted that Marcuse is making the same sort of recommendations as we have come to expect from an Erich Fromm, or on the other hand from a Norman O. Brown, whereas the truth is that Marcuse has been a sharp critic of both, and of the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tendencies in psychoanalytic thought they represent. . . .

Similarly, when Mr. Boulding remarks that "all he seems to have to fall back on is student revolt," he implies that Marcuse is a starry-eyed supporter of any and all student revolts, whereas he has clearly differentiated among various kinds of student takeovers, and criticized a number of his own younger "disciples." Nor has he embraced the hippy movement with anything like the abandonment Boulding suggests. In fact, to the extent that much of what we find in the hippy movement is given foundation and support, and may even have been inspired, by the writings of Brown (especially in *Love's Body*), Marcuse has attempted to chart for them other pathways. Here is Marcuse in the short article on Brown – it should make interesting reading for Mr. Boulding: "Tension can be made non-aggressive, non-destructive, but it can never be eliminated, because (Freud knew it well) its elimination would be death – not in any symbolic but in a very real sense. And we still want to live, *within* our boundaries and divisions, which we want to make our own instead of leaving their determination to our fathers and leaders and representatives." Or, "waking up from sleep, finding the way out of the cave is work within the cave; slow, painful work with and *against* the prisoners in the cave. Everywhere, even in your own land which is not yet found, not yet free, there are those who do this work, who risk their lives for it – they fight the real fight, the political fight." Does anyone but Mr. Boulding see in these lines what Boulding calls "The tragedy of a man betrayed by his own sensitivity and humanity into a failure to see the complexity of the social path by which [these] virtues are actually achieved"?

Robert Boyers
Flushing, N. Y.

Kauffmann, *from page 22*

ture of a woman turned to sexual adventuring by her mother's callousness; who makes her way with her loins; who dramatizes farewells a bit and can develop a little tenderness if the man is a king who gives her a palace; but is only an adventuress, with a touch of Carmen deviltry. To see this Lola as a mythopoeic figure of romance or a figure of the Eternal Feminine, to posit that her story is related to our culture's concepts of romance, is to me a quasi-adolescent insistence on glorifying whores. The difference between, say, Dumas' Marguerite Gautier and Ophuls' Lola is one between an early attempt to show the particularized humanity of a type and the luxuriant exploitation of the type itself.

The acting of most of the principals is very bad. The late Martine Carol, who is Lola, never could act, and here she doesn't even look pretty. Ophuls spent little time on making her face attractive, even in her younger scenes. Oskar Werner, as her German-student lover, is waxen-faced and cutesie. (Miscast as a twenty-year-old.) Will Quadflieg and Ivan Desny as Liszt and James are sticks. Peter Ustinov, the ringmaster, has merely a fraction of the modulation and shading that he showed in his recent pastry *Hot Millions*. Only Anton Walbrook as Ludwig is substantial.

Some of the *Lola* admirers might agree with all of this; all of them might agree with some of it. Together they reject its relevance. Why? Because they subscribe, with passionate and unquestionable conviction, to a theory of the hierarchy of film values. They believe in selecting and exalting sheerly cinematic values, like the matters I have praised earlier, and in subordinating or discounting such matters as those I've objected to. To them, this is exultation in the true glory of cinema.

To me, it is a derogation and patronization of cinema. To me, this hierarchy says, "This is what film can do and we mustn't really expect it to do any more, mustn't be disappointed if this is all it does." A chief motive behind the hierarchy is to avoid discussion of the strictured elements forced on film-making by the ever-present money-men. *Lola* was commissioned as an expensive showcase for Martine Carol. The money-men foisted Miss Carol and a cheap novel – by the author of *Caroline Cherie* – on Ophuls, so let's not criticize those elements, let's concentrate on Ophuls' marvelous décor, detail, and camera-movement and, by the simple act of appropriate omission, presto, we have a masterpiece.

I disbelieve in this hierarchy. There are money-men involved in every art. No one would dream of praising an architect because he designed his interiors well, if he had debased his overall form to please his client's pocketbook. Why a special leniency for film?

Why, indeed – in the face of the fact that film has proved it doesn't need it, has achieved *thoroughly* fine work? The worst aspect of this approach is that it crimps the film out of its cultural heritage: the cinematic *and* the literary and theatrical and psychological and social and political – and says to it, "Just go and be cinematic. If anything else is achieved, good. If not, no great matter." It is an aesthetic equivalent of the Victorian ethic of "knowing your place."

This concentration on part of a work leads to inflation of the value of that part. Ophuls, who in some ways was masterly, is extolled as a master of romance. To speak only of *Lola*, I see him sheerly as cynic, burdened with this trumpery novel and this mammary star and deciding to give it back to the world in spades. One critic envisions Lola in the circus as a presence "redeeming all men both as a woman and as an artistic creation." *This* woman? *This* artistic creation? The last scene, in which the crowd presses forward to buy kisses of the caged Lola, gave me a vision of Ophuls himself chuckling at the Yahoos wonderstruck by this earlier Zsa Zsa Gabor, this "celebrity" in its synthetic present-day sense, a crowd scrabbling to pay for a touch of this scandal-sheet goddess. And, encompassing this, I also had a vision of Ophuls chuckling at his film audiences, as they press forward to pay for a chance to adulate his caged talent.

Let me give the last word, on this matter of exalting a medium in itself, to the German poet Hans Magnus Enzensberger. Writing about McLuhan in the latest *Partisan Review*, Enzensberger says:

> "It is all too easy to see why the slogan 'The medium is the message' has met with unbounded enthusiasm on the part of the media, since it does away, by a quick fix worthy of a card-sharp, with the question of truth. Whether the message is a lie or not has become irrelevant, since in the light of McLuhanism truth itself resides in the very existence of the medium, no matter what it may convey. . . ."

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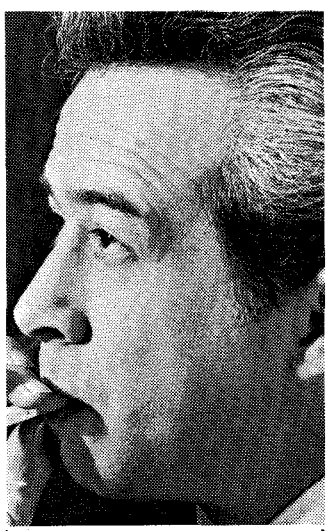

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"The Holocaust of Oradour and the Search for Justice..."

BY ROBERT R. KIRSCH
Los Angeles Times Book Critic

"Oradour-Sur-Glane is a name unknown to most of the world. In the madness that is war, Oradour deserves a chapter for it was the scene of one of those instances in which the disease of violence erupted, and afterward it became the subject of man's other quest, the search for justice.

"Jens Kruuse, a Danish teacher and literary critic, himself a member of the Resistance movement in his country, first saw the ruins of the small French town nearly a decade ago. Something in that burned-out shell touched him profoundly. He came back again and again to seek out the story. And he has told it in a compact and overwhelming narrative, WAR FOR AN AFTERNOON (Pantheon: $4.95), translated by Carl Malmberg.

True Tragedy

"It is a classic, given the understatement that true tragedy deserves. We read it, not so much as a footnote to the history of World War II, but as a statement as old as war itself and as topically relevant as the headlines from Vietnam.

"It is told as much as it can be through the words and witness of those who survived. For it is a strange and perhaps universal truth that there remain always a few voices to speak to the conscience of man, no matter how complete the holocaust.

"Until the ordeal by blood and fire of Oradour that began on a peaceful Saturday, June 10, 1944, the town near Limoges in the pleasant, fertile Limousin landscape, had escaped war. For centuries this corner of France knew no violence. During World War II, except for that Saturday, no German soldier had ever set foot in the town.

"So peaceful was Oradour, that its population had doubled with people seeking haven there.

"But the respite of Oradour was over. The prayers of ancient Abbe Chapelle and of Madame Forest (who each night, said: 'God preserve my children from death by sword and fire'), the hopes and aspirations of the teachers, the bakers, the farmers, disappeared in the reality of machine gun fire and the torches which burned the church and houses of the town.

Reality Came

"That reality came marching in with the 3rd company of the 1st battalion of Der Fuehrer Regiment, 2nd SS Armored Division, called 'Das Reich,' under the command of SS Major Dickmann and SS Captain Kahn. Ordered to the Normandy front, the division was delayed by sabotage and Maquis attack. Trained to fight, they turned their violence on the innocents.

"In that action which killed more than 600 men, women and children in Oradour, the 3rd company lost one man, an officer who was killed by a stone loosened from the church steeple while hundreds were being incinerated to death inside.

"The German commanders officially designated the action as a retaliation against 'terror.' But unlike other so-called retaliatory measures, this one was hushed up.

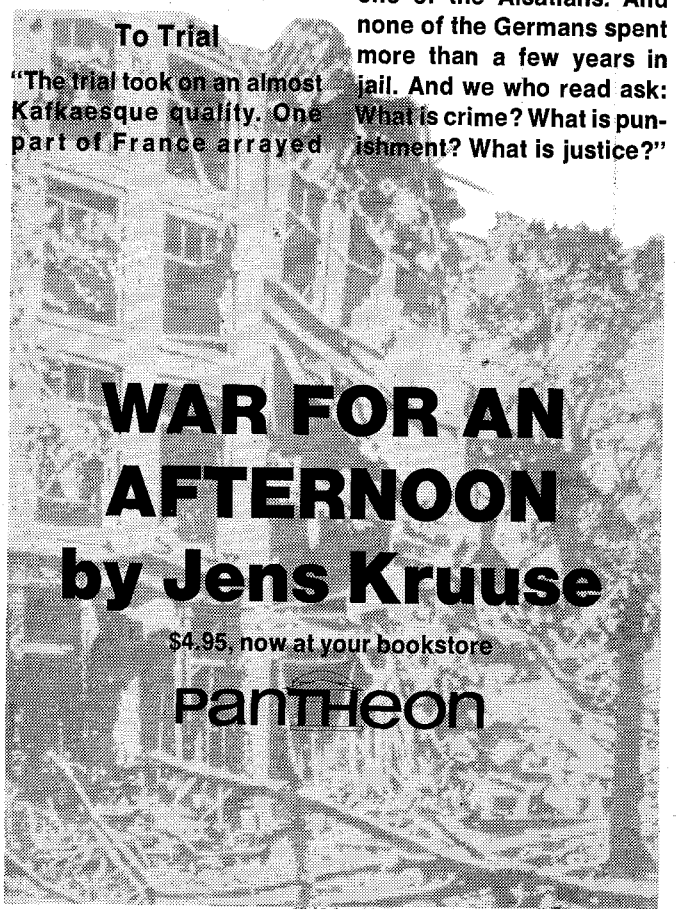
"When the war ended, the handful of survivors in Oradour demanded justice. Yet, no officer was found. The 3rd company which marched into Oradour, helmeted and jack-booted seemed to have all but disappeared. Twenty-one 'listless, lackluster and abject-looking characters in blue suits' were the only ones found to stand trial in Bordeaux in 1953. Ironically, 13 of those who had served in the SS division turned out to be Alsatians, pressed into service. They were through the outcome of the war again French. They had deserted in Normandy and 12 of them had related voluntarily the terrible events at Oradour.

To Trial

"The trial took on an almost Kafkaesque quality. One part of France arrayed against another. The men who gave the orders never went to trial. A change in laws negated the principle of collective guilt. And most of those on trial denied that they had actually participated.

"An Alsatian, an older man, showed a rare sense of sorrow and repentance: 'I never have a moment's peace. I am always hearing women and children screaming.'

"The Alsatians protested they had been abandoned by France, thrust into the ranks of the Germans against their will. The people of Oradour, seeking simple justice, sent back a Croix de Guerre awarded to the victims, found that justice was not simple. Amnesty was given to all but one of the Alsatians. And none of the Germans spent more than a few years in jail. And we who read ask: What is crime? What is punishment? What is justice?"



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